

# ARKANSAS CODE OF 1987 ANNOTATED



## 2021 SUPPLEMENT VOLUME 14A

**Place in pocket of bound volume**

*Prepared by the Editorial Staff of the Publisher*

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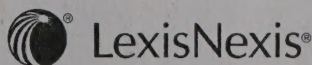
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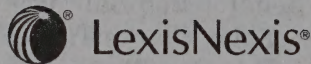
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Supplement pamphlet for Volume 1A*

ISBN 978-0-327-10031-7 (Code set)  
ISBN 978-1-4224-6365-9 (Volume 14A)



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## **TITLE 16**

### **PRACTICE, PROCEDURE, AND COURTS**

(CHAPTERS 18-54 IN VOLUME 14B; CHAPTERS 55-89 IN VOLUME 15; CHAPTERS 90-130 IN VOLUME 16)

#### **SUBTITLE 1. GENERAL PROVISIONS**

##### **CHAPTER.**

1. GENERAL PROVISIONS.
2. OATHS AND AFFIRMATIONS.
6. VOLUNTEER IMMUNITY.
7. DISPUTE RESOLUTION.

#### **SUBTITLE 2. COURTS AND COURT OFFICERS**

##### **CHAPTER.**

10. GENERAL PROVISIONS.
11. SUPREME COURT.
12. COURT OF APPEALS.
13. CIRCUIT COURTS.
17. DISTRICT COURTS.

#### **SUBTITLE 1. GENERAL PROVISIONS**

### **CHAPTER 1**

### **GENERAL PROVISIONS**

##### **SECTION.**

16-1-101. Recidivism definition and reporting.

#### **16-1-101. Recidivism definition and reporting.**

(a) As used in this title, “recidivism” means a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with or without a new sentence during a three-year period following the person’s release from custody.

(b) An entity that makes a recidivism report under this title shall use the definition of recidivism in this section for purposes of the recidivism report.

**History.** Acts 2013, No. 1030, § 3.

## CHAPTER 2

### OATHS AND AFFIRMATIONS

#### SUBCHAPTER.

#### 2. UNIFORM UNSWORN FOREIGN DECLARATIONS ACT.

#### SUBCHAPTER 2 — UNIFORM UNSWORN FOREIGN DECLARATIONS ACT

#### SECTION.

- 16-2-201. Short title.  
 16-2-202. Definitions.  
 16-2-203. Applicability.  
 16-2-204. Validity of unsworn declaration.  
 16-2-205. Required medium.

#### SECTION.

- 16-2-206. Form of unsworn declaration.  
 16-2-207. Uniformity of application and construction.  
 16-2-208. Relation to Electronic Signatures In Global And National Commerce Act.

#### 16-2-201. Short title.

This subchapter may be cited as the Uniform Unsworn Foreign Declarations Act.

**History.** Acts 2017, No. 889, § 3.

#### 16-2-202. Definitions.

In this subchapter:

(1) “Boundaries of the United States” means the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

(2) “Law” includes the federal or a state constitution, a federal or state statute, a judicial decision or order, a rule of court, an executive order, and an administrative rule, regulation, or order.

(3) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(4) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(5) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(6) “Sworn declaration” means a declaration in a signed record given under oath. The term includes a sworn statement, verification, certification, and affidavit.

(7) “Unsworn declaration” means a declaration in a signed record that is not given under oath, but is given under penalty of perjury.



**History.** Acts 2017, No. 889, § 3.

### 16-2-203. Applicability.

This subchapter applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States. This subchapter does not apply to a declaration by a declarant who is physically located on property that is within the boundaries of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.

**History.** Acts 2017, No. 889, § 3.

### 16-2-204. Validity of unsworn declaration.

(a) Except as otherwise provided in subsection (b), if a law of this state requires or permits use of a sworn declaration, an unsworn declaration meeting the requirements of this subchapter has the same effect as a sworn declaration.

(b) This subchapter does not apply to:

- (1) a deposition;
- (2) an oath of office;
- (3) an oath required to be given before a specified official other than a notary public;
- (4) a declaration to be recorded pursuant to:
  - (A) Title 16, Chapter 47;
  - (B) Title 18, Subtitle 2; or
  - (C) Title 26, Chapter 60; or
- (5) an oath required by § 28-25-106.

**History.** Acts 2017, No. 889, § 3.

### 16-2-205. Required medium.

If a law of this state requires that a sworn declaration be presented in a particular medium, an unsworn declaration must be presented in that medium.

**History.** Acts 2017, No. 889, § 3.

### 16-2-206. Form of unsworn declaration.

An unsworn declaration under this subchapter must be in substantially the following form:

I declare under penalty of perjury under the law of Arkansas that the foregoing is true and correct, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.



Executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
 (date) (month) (year)

\_\_\_\_\_, \_\_\_\_\_  
 (city or other location, and state) (country)

\_\_\_\_\_  
 (printed name)

\_\_\_\_\_  
 (signature)

**History.** Acts 2017, No. 889, § 3.

### 16-2-207. Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**History.** Acts 2017, No. 889, § 3.

### 16-2-208. Relation to Electronic Signatures In Global And National Commerce Act.

This subchapter modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., as it existed on January 1, 2017, but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), as it existed on January 1, 2017, or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b), as it existed on January 1, 2017.

**History.** Acts 2017, No. 889, § 3.

## CHAPTER 4

### UNIFORM INTERSTATE AND INTERNATIONAL PROCEDURE ACT

#### 16-4-101. Personal jurisdiction of Arkansas courts.

#### RESEARCH REFERENCES

**Ark. L. Rev.** Rachel A. Orr, Recent Developments: Exercise of Personal Jurisdiction over Foreign Corporation Violates Due Process — *Yanmar Co., Ltd. v. Slater*, 65 Ark. L. Rev. 163 (2012).

Robin E. Wright, Case Note: Conspiring to Create Jurisdiction: *Gibbs v. PrimeLending* and the Conspiracy Theory of In Personam Jurisdiction in Arkansas, 65 Ark. L. Rev. 723 (2012).

Recent Developments: Contract Faxed to Arkansas by Non-Resident Defendants Is Sufficient To Establish Personal Jurisdiction, 66 Ark. L. Rev. 601 (2013).

**U. Ark. Little Rock L. Rev.** Kathy McCarroll, Note: Reassessing Personal Jurisdiction in Arkansas and the Eighth Circuit After Goodyear Dunlop Tires Operations v. Brown, 131 S. Ct. 2846 (2011) and J. McIntyre Machinery, Ltd. v. Nicas-



tro, 131 S. Ct. 2780 (2011), 36 U. Ark. Little Rock L. Rev. 229 (2014).

## CASE NOTES

### ANALYSIS

In General.

Contacts Found.

Contacts Not Found.

Contracts.

Due Process.

—Contacts Found.

—Contacts Not Found.

Foreign Company.

Forum Convenience.

Matters Outside Pleadings.

Tortious Injury.

—Injury Outside State.

Transacting Business.

### In General.

Five-factor test previously used by the Supreme Court of Arkansas to assess specific personal jurisdiction is no longer applicable. Instead, the following criteria are necessary for specific personal jurisdiction: (1) the defendant must purposefully avail himself or herself of the privilege of acting in the forum state or causing a consequence in the forum state; (2) the cause of action must arise from or relate to the defendant's contacts with the forum state; and (3) the acts of the defendant or consequences caused by the defendant must have a substantial enough connection with the forum state to make the exercise of personal jurisdiction over the defendant reasonable. *Lawson v. Simmons Sporting Goods, Inc.*, 2019 Ark. 84, 569 S.W.3d 865 (2019).

### Contacts Found.

Circuit court did not err in denying a nonresident defendant's motion to dismiss based on a lack of personal jurisdiction where the protective order only prohibited the nonresident from contacting the resident plaintiff and did not impose any sort of affirmative duty on the nonresident. *Beason v. Parks*, 2015 Ark. App. 246, 459 S.W.3d 841 (2015).

### Contacts Not Found.

Motion to dismiss was granted because although plaintiff argued that general personal jurisdiction was satisfied because auto parts manufactured by defen-

dants were ultimately included in cars sold extensively in the state, this "stream of commerce" argument was not an adequate basis for the exercise of general jurisdiction. *P.A.M. Transp., Inc. v. Faurecia Auto. Seating, Inc.*, No. 11-5130, 2011 U.S. Dist. LEXIS 124189 (W.D. Ark. Oct. 26, 2011).

Summary judgment was properly awarded to appellee, a resident of Hawaii, in an action for defamation filed by appellant, an Arkansas resident, because the exchange of an email between appellee and a resident of Mississippi did not meet the minimum-contacts test; exercise of jurisdiction would offend traditional notions of fair play and substantial justice. *Morris v. Christopher*, 2013 Ark. App. 312 (2013).

In an action for defamation, false light, violation of the Arkansas Deceptive Trade Practices Act, and interference with business expectancy, arising from two postings made on logistics industry websites concerning an allegedly nonconforming shipment of frozen chicken, the court did not have general jurisdiction over defendants given the limited scope of defendants' contacts with Arkansas. *Sioux Transp., Inc. v. XPO Logistics*, No. 5:15-CV-05265, LLC, 2015 U.S. Dist. LEXIS 171801 (W.D. Ark. Dec. 22, 2015).

In an action for defamation, false light, violation of the Arkansas Deceptive Trade Practices Act, and interference with business expectancy, defendants did not have sufficient contacts with Arkansas to confer specific jurisdiction on the court where (1) mail and telephone contacts alone were insufficient to confer personal jurisdiction, and (2) most of the performance relating to the parties' agreement occurred outside of Arkansas, on the road from Alabama to Michigan. *Sioux Transp., Inc. v. XPO Logistics*, No. 5:15-CV-05265, LLC, 2015 U.S. Dist. LEXIS 171801 (W.D. Ark. Dec. 22, 2015).

Circuit court did not err in determining that it lacked personal jurisdiction over appellee; she prepared only one Arkansas tax return for appellant, he did not claim that the form was improperly prepared,



and as neither party was an Arkansas resident, there was no interest of the forum state in providing a forum for its residents, and there was nothing about the sole act of preparing and signing one tax return that would have caused appellate to reasonably anticipate being brought into an Arkansas court. *Reveley v. Roth*, 2016 Ark. App. 248, 491 S.W.3d 490 (2016).

### **Contracts.**

Questions of fact remained as to whether an Arizona shipping company and transportation brokerage and their presidents were subject to personal jurisdiction in Arkansas by virtue of their contracting with and allegedly defrauding an Arkansas trucking company for the transportation of food from Arizona to the East Coast. *Hotfoot Logistics v. Shipping Point Mktg.*, 2013 Ark. 130, 426 S.W.3d 448 (2013), overruled in part, *Lawson v. Simmons Sporting Goods, Inc.*, 2019 Ark. 84, 569 S.W.3d 865 (2019).

### **Due Process.**

Based upon the allegations in the complaint and the employee's affidavit that his only contacts with Arkansas were by telephone and correspondence, the employee's contacts with Arkansas were insufficient to establish minimum contacts so as to justify exercise of personal jurisdiction. *U.S. Bank Nat'l Ass'n ND v. Elender Escrow, Inc.*, No. 4:11CV00123 JMM, 2011 U.S. Dist. LEXIS 134690 (E.D. Ark. Nov. 21, 2011).

Co-conspirators' contacts with Arkansas were insufficient to establish the requisite minimum contacts to justify exercise of personal jurisdiction over them or conspiracy jurisdiction over their co-conspirators. Conspiracy jurisdiction only applied when at least one of the conspirators had minimum contacts with Arkansas in furtherance of the conspiracy and such contacts had not been pled. *U.S. Bank Nat'l Ass'n ND v. Elender Escrow, Inc.*, No. 4:11CV00123 JMM, 2011 U.S. Dist. LEXIS 134690 (E.D. Ark. Nov. 21, 2011).

Personal jurisdiction based on the conspiracy theory did not violate due process. As such, the use of the conspiracy theory of in personam jurisdiction does not violate this section, Arkansas's long arm statute. *Gibbs v. Primelending*, 2011 Ark. 255, 381 S.W.3d 829 (2011).

Court properly exercised personal jurisdiction over the judgment debtors, because the complaint arose out of and was directly related to the 2003 judgments, which were entered in Arkansas and remain unsatisfied; the debtors entered into or guaranteed several loan contracts with an Arkansas bank and pledged Arkansas real estate as collateral, and the debtors defaulted on the loans and an Arkansas court entered judgments against them. *Hauser v. Sims*, 2012 Ark. App. 295, 423 S.W.3d 104 (2012).

Circuit court erred in finding that it could properly exercise jurisdiction over a Virginia attorney and his law firm sued for conversion, because they lacked sufficient "minimum contacts" with Arkansas, where the attorney acted as counsel for an out-of-state escrow agent, and the earnest money in question had been wired to the attorney by a Georgia company in connection with a purchase agreement between the Georgia company, as purchaser, and the Arkansas plaintiff, as seller. The Arkansas plaintiff was not a party to the escrow agreement between the Georgia company and the escrow agent, and the Court of Appeals could not say that the attorney "purposefully availed" himself of the benefits and protection of the laws of Arkansas. *Goodwin v. Magness Oil Co.*, 2018 Ark. App. 303, 552 S.W.3d 26 (2018).

### **—Contacts Found.**

Circuit court erred in granting summary judgment to a shipper and its officers because the contacts between a broker and the shipper were sufficient and the shipper and the officers should not have been surprised to be haled into court in Arkansas because the broker was an Arkansas corporation, the parties entered into a legally binding contract through the bill of lading, and the broker's breach-of-contract cause of action arose directly from the contacts between the shipper and the broker. *Hotfoot Logistics, LLC v. Shipping Point Mktg.*, 2014 Ark. 460, 447 S.W.3d 592 (2014).

In an action alleging fraud and other claims related to an investment agreement, the federal district court erred in dismissing plaintiff's action for lack of personal jurisdiction because defendants, a California resident and his California-based business, had sufficient contacts with Arkansas to establish personal juris-



diction; the facts suggested that the individual defendant's contacts with Arkansas were not random, fortuitous, or attenuated, but rather were central to an alleged scheme to purposely avail himself of the privilege of conducting activities in Arkansas, and the individual defendant's actions in and affecting Arkansas were central to plaintiffs' allegations of fraud and misrepresentation and supported a finding of specific jurisdiction. *Whaley v. Esebag*, 946 F.3d 447 (8th Cir. 2020).

In a suit to recover legal fees, there was personal jurisdiction consistent with due process because the guarantor's contacts were such that he should have anticipated being haled into court in Arkansas since he negotiated the legal services contract, made hundreds of calls and emails to the Arkansas law firm, and visited the state regarding the litigation. *Henry Law Firm v. Cuker Interactive, LLC*, 949 F.3d 1101 (8th Cir. 2020).

#### —Contacts Not Found.

District court did not have personal jurisdiction over defendants, an Iowa citizen and limited liability company, because the only contact with Arkansas was a single meeting by the parties in Arkansas; because defendants' trip to Arkansas (and their failure to obtain permission to use plaintiff's mark) did not cause or otherwise precipitate the alleged infringement, and nothing in the record showed any other connection to Arkansas, the contact with Arkansas was insufficient to permit the exercise of personal jurisdiction consistent with the Due Process Clause. *Pangaea, Inc. v. Flying Burrito LLC*, 647 F.3d 741 (8th Cir. 2011).

#### Foreign Company.

Arkansas did not have general jurisdiction over a Japanese manufacturer pursuant to subdivision (B) of this section in a wrongful-death suit arising from a tractor accident because the manufacturer was not itself doing business in Arkansas and did not dominate and control its American subsidiary, which sold tractors in Arkansas through authorized dealers, such that personal jurisdiction could be predicated on an alter ego relationship. *Yanmar Co., Ltd. v. Slater*, 2012 Ark. 36, 386 S.W.3d 439 (2012).

#### Forum Convenience.

It was not an abuse of discretion to dismiss a wrongful death complaint under

the doctrine of *forum non conveniens* because the trial court weighed the parties' interests and the complaint's procedural posture and concluded it was best for a related federal court complaint to proceed; thus, the court did not exercise its discretion thoughtlessly or without due consideration. *Silkman v. Evangelical Lutheran Good Samaritan Soc'y*, 2015 Ark. 422, 474 S.W.3d 74 (2015).

#### Matters Outside Pleadings.

Circuit court did not err in considering matters outside the pleadings in reaching its conclusions regarding personal jurisdiction. *Reveley v. Roth*, 2016 Ark. App. 248, 491 S.W.3d 490 (2016).

Circuit court may consider evidence outside the pleadings on a motion under Ark. R. Civ. P. (12)(b)(2) alleging lack of personal jurisdiction. If the circuit court considers evidence outside the pleadings, the Rule (12)(b)(2) motion is not converted to a summary judgment motion, and previous cases that have taken a contrary position are overruled, see, e.g., *Ganey v. Kawasaki Motors Corp., U.S.A.*, 366 Ark. 238 (2006); *Payne v. France*, 373 Ark. 175 (2008); and *Hotfoot Logistics, LLC v. Shipping Point Mktg., Inc.*, 2013 Ark. 130. *Lawson v. Simmons Sporting Goods, Inc.*, 2019 Ark. 84, 569 S.W.3d 865 (2019).

#### Tortious Injury.

##### —Injury Outside State.

In a premises liability case arising from an injury that occurred in defendant's Louisiana store, the contacts between the defendant company and the Arkansas plaintiff were sufficient to warrant personal jurisdiction over the company, which should not have been surprised to be haled into court in Arkansas because it sought to have Arkansas residents patronize its Louisiana store; and the company was located roughly 30 miles from the forum, so the argument regarding an inconvenient forum was weak. *Lawson v. Simmons Sporting Goods*, 2017 Ark. App. 44, 511 S.W.3d 883 (2017), vacated, remanded, 138 S. Ct. 237, 199 L. Ed. 2d 2 (U.S. 2017) (remanded for further consideration in light of *Bristol-Myers Squibb Co. v. Superior Court of Cal., San Francisco Cty.*, 582 U.S. \_\_\_, 137 S. Ct. 1773, 198 L. Ed. 2d 395 (2017)).

Circuit court properly dismissed a customer's premises liability suit against a



Louisiana retail sporting-goods store that advertised and conducted promotional activities in Arkansas for lack of specific personal jurisdiction. A fundamental connection did not exist between the cause of action and Arkansas, as the cause of action did not arise from or relate to defendant's contact with Arkansas as required under *Bristol-Myers Squibb Co. v. Superior Court of Cal., San Francisco Cty.*, 582 U.S. \_\_, 137 S. Ct. 1773, 198 L. Ed. 2d 395 (2017). The customer's trip and fall undisputedly occurred in Louisiana, and any alleged negligence related to the incident in Louisiana did not arise out of or relate to the defendant's contacts with Arkansas. *Lawson v. Simmons Sporting Goods, Inc.*, 2019 Ark. 84, 569 S.W.3d 865 (2019).

### **Transacting Business.**

In this action for action for invasion of privacy and intentional infliction of emotional distress, the dismissal of plaintiff's claims against the publisher for lack of personal jurisdiction was reversed and remanded where (1) the fact that defendant publisher contracted to receive monthly sales reports, especially if these reports were to display sales on a state by state basis, would permit an inference that the publisher had reasonable expectations and knowledge that its products were going to be offered in the Arkansas

market; and (2) there was also evidence that the publisher was actively involved in marketing plans and promotions of books placed in stores. *Steinbuch v. Cutler*, 518 F.3d 580 (8th Cir.), cert. denied, 555 U.S. 939, 129 S. Ct. 223, 172 L. Ed. 2d 242 (2008).

In this action for action for invasion of privacy and intentional infliction of emotional distress, the dismissal of plaintiff's claims against one corporate entity was affirmed where (1) the entity argued that it did not contract with the staff member, did not publish the novel, and was not party to the distribution agreement; and (2) plaintiff offered no credible evidence that the entity had any involvement in the publication or distribution of the novel and instead made merely conclusory allegations about the entity's alleged role. *Steinbuch v. Cutler*, 518 F.3d 580 (8th Cir.), cert. denied, 555 U.S. 939, 129 S. Ct. 223, 172 L. Ed. 2d 242 (2008).

Facts alleged in a company's breach of contract complaint provided a sufficient basis to subject defendant to specific personal jurisdiction in Arkansas under subsection B. of this section; defendant reached into Arkansas and initiated contact with the company in order to conduct business. *Pritchett v. Evans*, 2013 Ark. App. 679, 430 S.W.3d 223 (2013).

## **CHAPTER 6**

### **VOLUNTEER IMMUNITY**

#### **SUBCHAPTER.**

#### **2. HEALTHCARE PROFESSIONALS.**

#### **SUBCHAPTER 2 — HEALTHCARE PROFESSIONALS**

#### **SECTION.**

#### **16-6-201. Indigent care — Rules — Definition.**

#### **16-6-201. Indigent care — Rules — Definition.**

(a) As used in this section, "healthcare professional" means a person who:

- (1) Is licensed or certified under Subtitle 3 of Title 17; or
- (2) Is a student or resident of a healthcare profession program leading to a professional degree, a license, or certification under Subtitle 3 of Title 17 who is:



(A) Providing services within the scope of the training of that student or resident; and

(B) Under the supervision of a person who is licensed in the healthcare profession for which the student is seeking a degree, a license, or a certification.

(b) A healthcare professional who renders healthcare services voluntarily and without compensation to any person at any free or low-cost healthcare clinic located in the State of Arkansas and registered by the State Board of Health that accepts no insurance payments and provides healthcare services free of charge to persons unable to pay or provides healthcare services for a nominal fee shall not be liable for any civil damages for any act or omission resulting from the rendering of the healthcare services unless the act or omission was the result of the healthcare professional's gross negligence or willful misconduct.

(c)(1) The board may promulgate rules necessary to provide for the registration of free or low-cost healthcare clinics under this section.

(2) The rules shall require that each person to whom healthcare services are provided:

(A) Has been fully informed before any treatment by the healthcare professional providing the services or by the staff of the healthcare clinic of the immunity from civil suit provisions of this section; and

(B) Has acknowledged that fact in writing on a form approved or designated by the Department of Health.

(d) The board and its members and the department and its agents and employees are exempt and immune from liability for any claims or damages when performing their duties under this section.

(e) The provisions of this section supersede the exception for licensed medical professionals under the Arkansas Volunteer Immunity Act, § 16-6-101 et seq.

**History.** Acts 1997, No. 276, § 1; 2007, No. 120, § 1; 2007, No. 837, § 1; 2019, No. 315, § 1286.

**Amendments.** The 2019 amendment substituted "rules" for "regulations" in the introductory language of (c)(2).

## CHAPTER 7

### DISPUTE RESOLUTION

#### SUBCHAPTER.

#### 1. ARKANSAS ALTERNATIVE DISPUTE RESOLUTION COMMISSION.

### SUBCHAPTER 1 — ARKANSAS ALTERNATIVE DISPUTE RESOLUTION COMMISSION

#### SECTION.

16-7-102. Arkansas Alternative Dispute Resolution Commission established — Terms of members — Meetings —

#### SECTION.

16-7-104. Powers and duties of commission. Rules — Quorum.

**16-7-102. Arkansas Alternative Dispute Resolution Commission established — Terms of members — Meetings — Rules — Quorum.**

(a)(1)(A) There is hereby created the Arkansas Alternative Dispute Resolution Commission, which shall consist of seven (7) members.

(B)(i) Three (3) members shall be attorneys appointed by the Chief Justice of the Supreme Court, one (1) of whom shall have been recommended to the court by the Arkansas Bar Association.

(ii) One (1) member shall be appointed by the Speaker of the House of Representatives.

(iii) One (1) member shall be appointed by the President Pro Tempore of the Senate.

(iv) Two (2) members shall be appointed by the Governor.

(2) All members shall have demonstrated prior interest or involvement in alternative dispute resolution.

(3) At least one (1) commission member shall be an Arkansas resident considered to be a representative of voluntary or nonprofit alternative dispute resolution programs in the State of Arkansas.

(4) Each member shall serve for six (6) years.

(5) If any member dies, resigns, or is otherwise unable to serve prior to the expiration of the term, the appointing entity shall appoint a successor to serve the unexpired portion of the term.

(6) The members of the commission shall elect a chair.

(b) Members of the commission may receive expense reimbursement in accordance with § 25-16-902.

(c) The commission shall hold regular quarterly meetings each year on dates fixed by the commission and such special meetings as the commission determines are necessary.

(d) The commission may issue rules and shall publish rules for the regulation of its proceedings.

(e) A majority of the commission shall constitute a quorum.

**History.** Acts 1995, No. 673, §§ 2-5; **Amendments.** The 2019 amendment 1997, No. 250, § 115; 1997, No. 1354, deleted “and regulations” following “rules” § 34; 2001, No. 1288, § 13; 2019, No. 315, in (d).  
§ 1287.

**16-7-104. Powers and duties of commission.**

The Arkansas Alternative Dispute Resolution Commission shall have the authority and responsibility to:

(1) Promote in a systematic manner the appropriate use of alternative dispute resolution;

(2) Provide education to the courts, other government agencies, and the public on the methods, advantages, and applications of alternative dispute resolution;

(3)(A) Establish standards and rules for the certification, professional conduct, discipline, and training of persons who shall be eligible and qualified to serve as compensated mediators, negotiators,



conciliators, arbitrators, or other alternative dispute resolution neutrals in and for state and local courts.

(B) However, nothing in this subchapter or in the standards and rules promulgated by the commission shall in any way prevent the parties to the litigation from utilizing any recognized voluntary or nonprofit program of dispute resolution;

(4) Develop recommended guidelines, including the types of disputes which may be subject to alternative dispute resolution and standard procedures for mediation, and other forms of alternative dispute resolution;

(5) Assist state and local courts and governmental and other agencies with the development and implementation of alternative dispute resolution programs;

(6) Develop standardized forms for use in state and local courts and governmental and other agencies for the reference of cases to alternative dispute resolution and for the purpose of monitoring the use of alternative dispute resolution in the state;

(7) Establish fees to be levied by the courts and governmental and other agencies and paid by parties utilizing alternative dispute resolution processes;

(8) Apply for and accept gifts or grants from any public or private source for use in maintaining and improving alternative dispute resolution programs in the state; and

(9) Collect fees for tuition and registration of educational programs and to assist in maintaining a roster of third-party neutrals.

**History.** Acts 1995, No. 673, § 7; 1999, substituted “rules” for “regulations” in No. 602, § 1; 2019, No. 315, § 1288. (3)(B).

**Amendments.** The 2019 amendment

## SUBCHAPTER 2 — DISPUTE RESOLUTION PROCESSES

### 16-7-201. Legislative purpose and intent.

#### CASE NOTES

**Cited:** Wynne-Ark., Inc. v. Richard Baughn Constr., 2020 Ark. App. 140, 597 S.W.3d 114 (2020).

### 16-7-202. Duty and authority of the courts.

#### CASE NOTES

#### Abuse of Discretion.

After the parties failed to reach an agreement during mediation and did not agree on which issues had been mediated, the circuit court abused its discretion in failing to hold a hearing and in dismissing portions of the wife’s motion to compel

concerning issues that the parties agreed were mediated. *Smyth v. Smyth*, 2019 Ark. App. 12, 570 S.W.3d 472 (2019).

Circuit court’s directive was to schedule mediation within 10 days, which was done, but when the circuit court learned the mediation was not scheduled to occur

for approximately two and a half months, it amended the directive to have the mediation take place within 10 days; dismissing the wife's contempt petition because mediation did not take place within 10 days was an abuse of discretion, as the wife was not dilatory in scheduling the mediation, and this short window was punitive. *Smyth v. Smyth*, 2019 Ark. App. 12, 570 S.W.3d 472 (2019).

In a medical malpractice case, the circuit court erred in striking a request by defendants doctor and his practice (jointly, the doctor) for a jury trial as a sanction for failing to comply with its scheduling order's mediation requirement because the

doctor did not consent to a bench trial, the medical malpractice claim was a legal claim to which the right of a jury trial attached, the circuit court lacked the authority under this section to divest the doctor of his fundamental constitutional right to a jury trial, predispute contractual jury waivers are unenforceable under Ark. Const., Art. 2, § 7, a trial by jury was demanded under Ark. R. Civ. P. 38, and there is no law prescribing a waiver of the right to a jury trial as a sanction for failing to comply with a court's order to mediate. *Bandy v. Vick*, 2020 Ark. 334, 608 S.W.3d 903 (2020).

## 16-7-206. Confidentiality of communications in dispute resolution procedures.

### CASE NOTES

#### ANALYSIS

**Construction.**  
**Discovery.**

#### **Construction.**

While this section does prevent revealing the particulars of the communications relating to the subject matter of the mediation, the Court of Appeals does not read this section to mean that the circuit court is prevented from knowing the subject matter of the mediation; otherwise, the circuit court could never know if there had been an attempt to mediate issues before motions were filed in the circuit court. Here, the circuit court refused to hold a hearing to make this determination. *Smyth v. Smyth*, 2019 Ark. App. 12, 570 S.W.3d 472 (2019).

#### **Discovery.**

It was error to grant at this point in the case defendant subcontractor's motion to

compel discovery of the confidential settlement agreement between plaintiff and defendant general contractor that resulted from mediation, when the subcontractor sought contribution and apportionment of fault, because (1) any right of contribution does not arise until one joint tortfeasor pays more than the tortfeasor's share of liability, and no damages had been awarded yet, and (2) it was error to find the general contractor and subcontractor were joint tortfeasors before any evidence was presented. Contrary to plaintiff's argument, however, the Civil Justice Reform Act, § 16-55-201 et seq., did not eliminate contribution among "joint tortfeasors". *Wynne-Ark., Inc. v. Richard Baughn Constr.*, 2020 Ark. App. 140, 597 S.W.3d 114 (2020).

## SUBTITLE 2. COURTS AND COURT OFFICERS

### CHAPTER 10

### GENERAL PROVISIONS

#### SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ACCOUNTING PRACTICES.
3. UNIFORM FILING FEES AND COURT COSTS.



## SUBCHAPTER.

4. JUDICIAL DISCIPLINE AND DISABILITY COMMISSION.
7. ADDITIONAL FILING FEES AND COURT COSTS.
8. SUBSTITUTE TRIAL COURT ADMINISTRATORS.
9. COMPENSATION FOR RETIRED JUDGES APPOINTED TO TEMPORARY SERVICE.
10. ARKANSAS COURT SECURITY ACT.
11. COURT INTERPRETERS.

## SUBCHAPTER 1 — GENERAL PROVISIONS

## SECTION.

- 16-10-101. Administrative responsibilities of the Supreme Court.
- 16-10-102. Administrative Office of the Courts — Director — Cooperation of court officers.
- 16-10-103. Training and education of court personnel.
- 16-10-119. Travel expenses of judges.
- 16-10-127. [Repealed.]
- 16-10-130. [Repealed.]
- 16-10-133. [Repealed.]
- 16-10-134. [Repealed.]
- 16-10-136. Extrajudicial activities of justices and judges.

## SECTION.

- 16-10-137. Administrative Office of the Courts — Annual report.
- 16-10-138. [Repealed.]
- 16-10-139. Specialty court program evaluation and approval — Transfer — Definition.
- 16-10-140. Accumulation of data concerning sexual offenses — Definitions.
- 16-10-141. District court costs and fees — Specialty courts.

**Effective Dates.** Acts 2015, No. 268, § 16: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the act entitled 'AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE OFFICIAL COURT REPORTERS AND TRIAL COURT ADMINISTRATORS OF THE CIRCUIT COURTS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND FOR OTHER PURPOSES.' requires the passage of this act; that the effectiveness of this act on July 1, 2015, is essential to the operation of the Administrative Office of the Courts, and that in the event of an extension of the legislative session, the delay in the effective date of this act beyond July 1, 2015, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public

peace, health, and safety shall be in full force and effect on and after July 1, 2015."

Acts 2015, No. 895, § 49: Apr. 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that prison overcrowding is one of the largest problems currently burdening the state both from a public safety and budgetary standpoint; that safe and effective measures are needed to immediately combat this problem; and that this act is immediately necessary because in the interests of public safety and the state budget the Department of Correction, Department of Community Correction, Department of Human Services, and the Parole Board should be allowed to immediately implement these new measures. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is

overridden, the date the last house overrides the veto.”

Acts 2017, No. 698, § 2: Mar. 27, 2017. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Director of the Administrative Office of the Courts provides a vital function concerning the operation of the judiciary; that the position of Director of the Administrative Office of the Courts will soon be vacant due to the departure of the current director; and that this act is immediately necessary because the Supreme Court feels it is

necessary to consider as many qualified persons as necessary to fill the position. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

### **16-10-101. Administrative responsibilities of the Supreme Court.**

(a) The Supreme Court shall have general superintending control over the administration of justice in all courts in the State of Arkansas. The Chief Justice of the Supreme Court shall be directly responsible for the efficient operation of the judicial branch and of its constituent courts and for the expeditious dispatch of litigation therein and the proper conduct of the business of the courts.

(b)(1) Under rules prescribed by the Supreme Court, the Chief Justice may require reports from all courts of the state and may issue such orders, rules, and regulations as may be necessary for the efficient operation of those courts to ensure the prompt and proper administration of justice and may assign, reassign, and modify assignments of circuit and district court judges to hold, upon a temporary basis, regular or special sessions for the transaction of civil or criminal business within any other such court.

(2) The lower courts shall keep such adequate and uniform records as are required by law or as may be required by rule or order of the Supreme Court.

(c) The Supreme Court, with the assistance of the Director of the Administrative Office of the Courts, shall devise a uniform system of numbering, cataloging, and classifying cases in all the courts of record in this state, and the courts of record shall utilize the system in conducting the business of the courts.

(d) In the event of the absence of the Chief Justice or his or her inability to perform the duties described in this section, or as required by rule or order of the Supreme Court, the duties may be performed by the several associate justices of the Supreme Court in the order of their seniority of service on the Supreme Court.

**History.** Acts 1965, No. 496, § 1; 1973, No. 237, § 1; 1981, No. 489, § 1; A.S.A. 1947, § 22-142; Acts 1989, No. 760, § 1;

2003, No. 1185, § 38; 2019, No. 315, § 1289.

**Amendments.** The 2019 amendment



inserted "rules" preceding "and regulations" in (b)(1).

### CASE NOTES

**Cited:** Smith v. Wright, 2015 Ark. 189, 461 S.W.3d 687 (2015).

#### **16-10-102. Administrative Office of the Courts — Director — Cooperation of court officers.**

(a)(1) There shall be an office for the administration of the nonjudicial business of the judicial branch which shall be known as the "Administrative Office of the Courts".

(2) There shall be a Director of the Administrative Office of the Courts who shall be nominated by the Chief Justice of the Supreme Court, subject to the approval of the Supreme Court and the Arkansas Judicial Council, Inc. Subsequent to the appointment, the director shall hold office at the pleasure of the Supreme Court.

(b) The director shall meet the qualifications as determined by the Supreme Court.

(c) The director shall receive such salary as may be fixed from time to time by the biennial appropriations salary act for the Administrative Office of the Courts.

(d) The director shall not engage directly or indirectly in the practice of law and shall hold no other office or employment.

(e) The director, subject to the direction of the Supreme Court, shall perform the following functions:

(1) Examine the administrative methods of the courts and make recommendations to the Supreme Court for their improvement;

(2) Examine the state of the dockets of the courts, secure information as to their needs for assistance, if any, prepare statistical data and reports of the business of the courts, and advise the Supreme Court to the end that proper action may be taken;

(3) Examine the estimates of the courts of the state for appropriations and present to the Supreme Court recommendations concerning them;

(4) Examine the statistical systems of the courts and make recommendations to the Supreme Court for a uniform system of judicial statistics;

(5) Collect, analyze, and report to the Supreme Court statistical and other data concerning the business of the courts;

(6) With the approval of the Supreme Court and at the request of the Arkansas Judicial Council, Inc., the director shall act as Secretary of the Arkansas Judicial Council, Inc., and shall perform such duties as may be assigned to him or her;

(7) Examine the data processing needs of the courts and make recommendations to the Supreme Court as to the purchase and use of hardware and software for computer systems, telecommunications systems, and microfilming systems, and provide education to the courts

on the use of such systems so as to improve the quality and efficiency of justice in the state;

(8) Assist the Supreme Court in the operation of the Supreme Court Library; and

(9) Attend to the other nonjudicial business of the judicial branch under such rules as the Supreme Court may by order adopt.

(f) The director shall, with the approval of the Supreme Court, appoint such assistants as may be necessary. He or she shall be provided with such office facilities as may be required.

(g) The director shall advise and assist clerks of trial courts in the keeping of records of their proceedings and shall make reports and recommendations in connection therewith to the Supreme Court, the trial judges, and the clerks of those courts.

(h) The clerks, officers, and employees of the courts shall comply with all requests of the director for information and statistical data relating to the business of the courts and the expenditure of public funds for their maintenance and operation. The director shall notify the Supreme Court of any noncompliance with such requests.

**History.** Acts 1965, No. 496, § 2; 1971, No. 599, § 1; 1973, No. 237, § 2; A.S.A. 1947, § 22-143; Acts 1989, No. 760, § 2; 2017, No. 698, § 1; 2019, No. 315, § 1290.

**Amendments.** The 2017 amendment substituted “meet the qualifications as

determined by the Supreme Court” for “possess the same qualifications and shall be subject to the same restrictions as district judges” in (b).

The 2019 amendment deleted “and regulations” following “rules” in (e)(9).

### 16-10-103. Training and education of court personnel.

(a) The state’s responsibility for training and providing additional judicial education to circuit judges, district judges, circuit clerks, district court clerks, case coordinators, court reporters, and all other personnel directly associated with the state’s courts shall be administered by the Administrative Office of the Courts.

(b) The Administrative Office of the Courts shall have the authority to assess and collect fees for tuition and registration for educational programs it offers.

**History.** Acts 1985, No. 334, § 3; A.S.A. 1947, § 22-158; Acts 2001, No. 1314, § 1; 2021, No. 475, § 1.

**Amendments.** The 2021 amendment,

in (a), deleted “city judges” following “district judges” and substituted “district court” for “municipal”.

### 16-10-104. Courts of record.

#### CASE NOTES

#### Unauthorized Practice of Law.

Circuit court did not err in dismissing a company’s tax assessment appeal for lack of jurisdiction when its tax manager, a nonlawyer, initiated the appeal on its behalf because the company invoked the

legal process and its nonattorney representative engaged in the unauthorized practice of law; the company, through a nonlawyer, lodged its appeal in the county court, initiating the appeal process in a court of record. Desoto Gathering Co.,



LLC v. Hill, 2017 Ark. 326, 531 S.W.3d 396 (2017).

## 16-10-105. Sittings of courts to be public.

### CASE NOTES

#### Requirement Met.

Circuit court's decision to hold the trial in chambers over a corporation's objection was affirmed where the trial was transcribed by a court reporter, the public had access to the proceedings so that it could ascertain whether the court was properly

carrying out its duties responsibly, and counsel for the corporation admitted in oral argument that he could not say whether the in-chambers trial affected the outcome of the case. *Ashley Bancstock Co. v. Meredith*, 2017 Ark. App. 598, 534 S.W.3d 762 (2017).

## 16-10-108. Contempt.

### CASE NOTES

#### ANALYSIS

In General.

Applicability.

Actions Constituting Contempt.

—Disobeying Order.

—Disobeying Process.

—Intoxication.

Actions Not Constituting Contempt.

Attorney's Fees.

Authority of Court.

Court Orders.

Direct Contempt.

Due Process.

Erroneous Contempt Finding.

Notice.

Punishment.

Relation to Other Law.

Right to Appeal.

Right to Jury Trial.

Time of Hearing.

the court. *Ark. Dep't of Human Servs. v. Dowdy*, 2018 Ark. 307, 558 S.W.3d 847 (2018).

#### Applicability.

A judge's power to punish for criminal contempt is not limited by this section. *Morris v. State*, 2017 Ark. 157, 518 S.W.3d 70 (2017).

When the circuit court found an attorney in contempt for failing to appear on time for a first-degree murder trial and fined him \$4,000, the circuit court was acting under its inherent power and was not constrained by the \$500 limit that the Legislature has authorized for a Class C misdemeanor; however, as the purpose of the contempt punishment would be accomplished by a lesser fine, the appellate court reduced the fine to \$2,000. *Morris v. State*, 2017 Ark. 157, 518 S.W.3d 70 (2017).

#### Actions Constituting Contempt.

##### —Disobeying Order.

In a criminal contempt case under subdivision (a)(3) of this section, substantial evidence supported the trial court's determination that defendant willfully violated the court's orders requiring her to make restitution payments because defendant testified that she received a monthly disability check in the amount of \$633 but did not use the money to make restitution payments. *Summers v. State*, 2012 Ark. App. 247 (2012).

In a case in which an attorney appealed a circuit court's order finding him in con-

#### In General.

Contempt is divided into criminal contempt and civil contempt. In determining whether a particular action by a judge constitutes a finding of criminal or civil contempt, the focus is on the character of relief rather than the nature of the proceeding. Criminal contempt carries an unconditional penalty, and the contempt cannot be purged. *Ark. Dep't of Human Servs. v. Dowdy*, 2018 Ark. 307, 558 S.W.3d 847 (2018).

Arkansas law also distinguishes between direct and indirect contempt, the former being committed in the presence of

tempt and fining him \$100, he unsuccessfully argued that he did not interrupt the court but that the rhythms of the colloquy reflected the normal ebb and flow of a sometimes tense discussion. He had repeatedly interrupted the judge despite numerous warnings not to interrupt, and both the transcript and the audio recording of the hearing showed that the circuit's court's decision was supported by substantial evidence. *Benca v. Benton County Circuit Court*, 2013 Ark. 448 (2013).

Attorney was properly held in contempt because the attorney admittedly asked witnesses about issues into which an order barred the attorney from inquiring. *James v. Pulaski County Circuit Court*, 2014 Ark. 305, 439 S.W.3d 19 (2014).

Substantial evidence supported the circuit court's decision finding a county supervisor in contempt where a caseworker testified that the supervisor told her to release the emergency hold, the circuit court found the caseworker credible, and the emergency-hold order was clear that the child was to be taken into Department of Human Services custody. *Ark. Dep't of Human Servs. v. Hellyer*, 2017 Ark. App. 294, 521 S.W.3d 158 (2017).

Circuit court did not err in holding father in contempt for violating the terms of the paternity order to provide health insurance for the child. *Williams v. Lofton*, 2018 Ark. App. 606, 569 S.W.3d 872 (2018).

#### **—Disobeying Process.**

Substantial evidence supported the circuit court's finding that appellant willfully disobeyed or resisted the process or order of the court; when confronted with registration and lien information, appellant denied ownership of the vehicles, and he took steps to avoid execution of a writ to the sheriff to take possession of the vehicles. *Burrow v. J.T. White Hardware & Lumber Co.*, 2018 Ark. App. 212, 547 S.W.3d 500 (2018).

#### **—Intoxication.**

Evidence was sufficient to hold defendant in contempt for appearing in court under the influence of marijuana where a drug test was ordered as a result of the circuit court's personal observation of her demeanor, including being unsteady on her feet, the look on her face, and her

personal affect, and the trial court had found that her demeanor, whether caused by alcohol or marijuana, prevented her plea from being entered. *Taylor v. State*, 2021 Ark. App. 98, 618 S.W.3d 207 (2021).

#### **Actions Not Constituting Contempt.**

Attorney was wrongly held in contempt because an order barring the attorney's inquiry into witnesses' juvenile probation or juvenile offenses did not bar the attorney's inquiry into the witnesses' states of mind at the time of an occurrence. *James v. Pulaski County Circuit Court*, 2014 Ark. 305, 439 S.W.3d 19 (2014).

Trial court erred in holding a former husband in contempt because he did not willfully disobey the requirements of a final order since it was not definite in its commands regarding the notice to be given and did not clearly express what duties it imposed; the express terms of the order requiring notice of a proposed sale for purposes of the other party's right of first refusal did not require the seller to give "market information" about a mere offer that was presented. *Elder v. Elder*, 2018 Ark. App. 276, 549 S.W.3d 919 (2018).

#### **Attorney's Fees.**

Evidence that appellant actively and knowingly interfered with the process of court was of sufficient force and character for the circuit court to have held appellant in criminal contempt. Because the evidence supported the circuit court's finding of criminal contempt, which is subject to a higher standard of review than a finding of civil contempt, the circuit court did not err when it awarded attorney's fees, which are in the nature of civil contempt. *Burrow v. J.T. White Hardware & Lumber Co.*, 2018 Ark. App. 212, 547 S.W.3d 500 (2018).

#### **Authority of Court.**

Attorney was wrongly held in contempt as to certain citations because the citations were issued one and four days after the alleged contempt, so subsection (c) of this section required notice and a chance to defend, which were absent. *James v. Pulaski County Circuit Court*, 2014 Ark. 305, 439 S.W.3d 19 (2014).

#### **Court Orders.**

When an attorney was held in contempt for inquiring into areas which the attor-



ney was barred from asking about, the attorney could not claim, on appeal, that the attorney's cross-examination was unconstitutionally limited because the attorney was required to follow the order, whether or not the order was erroneous. *James v. Pulaski County Circuit Court*, 2014 Ark. 305, 439 S.W.3d 19 (2014).

Issuing a contempt order on Sunday did not invalidate the order because a verdict was received at the same time. *James v. Pulaski County Circuit Court*, 2014 Ark. 305, 439 S.W.3d 19 (2014).

### **Direct Contempt.**

Summary punishment for contempt committed in the presence of the court is an inherent power reserved to the judiciary and cannot be abridged by legislation. *Ark. Dep't of Human Servs. v. Dowdy*, 2018 Ark. 307, 558 S.W.3d 847 (2018).

In a matter involving direct contempt, the circuit court's decision to hold an attorney for the Department of Human Services (DHS) and a DHS caseworker in contempt was supported by substantial evidence and reasonable inferences therefrom, when the attorney directed the caseworker to leave court to prevent the other parties and the court from presenting or considering evidence in a dependency-neglect hearing concerning change of custody. *Ark. Dep't of Human Servs. v. Dowdy*, 2018 Ark. 307, 558 S.W.3d 847 (2018).

Because the conduct in question occurred in the presence of the circuit court judge, the contempt was direct; thus, the circuit court's decision was not subject to the restrictions outlined in subsection (a) of this section, and the circuit court was within its power to punish the alleged contempt summarily. *Ark. Dep't of Human Servs. v. Dowdy*, 2018 Ark. 307, 558 S.W.3d 847 (2018).

Viewing the record in the light most favorable to the circuit court's decision, substantial evidence supported holding an attorney in contempt and imposing a fine; when the circuit court told the attorney the court would not proceed with a guardianship hearing without a written medical report, the attorney questioned the judge's integrity in open court, persisted with that theory after the court explained the court's reasoning, interrupted the court at least three times, and was unwilling to reconsider the accusa-

tion after being given an opportunity, displaying a lack of regard for the court's integrity and demonstrating disrespect. *Streit v. State (In re Beville)*, 2019 Ark. 218, 576 S.W.3d 27 (2019).

Appellant's claim that his sentence was illegal on its face because the circuit court lacked the authority to impose it failed because the circuit court clearly found appellant guilty of direct criminal attempt for disregarding its order and sentenced him under its inherent power to punish contemptuous behavior in its presence. Hence, appellant's argument that the circuit court violated this section was without merit. *Neely v. State*, 2020 Ark. App. 547, 615 S.W.3d 392 (2020).

### **Due Process.**

Circuit court erred in holding an attorney in contempt for obtaining its signature on an amended judgment and commitment order by misrepresenting the state's approval and consent because a letter the circuit court addressed to the attorney provided adequate notice that a hearing would occur, but it did not give the attorney adequate notice that criminal contempt charges were pending against her; both Arkansas law and the Fourteenth Amendment to the United States Constitution were clear that the attorney was entitled to notice not only that the circuit court was investigating the possibility of her misrepresentation but also that it was considering holding her in criminal contempt for alleged misrepresentation. *Bloodman v. State*, 2010 Ark. 169, 370 S.W.3d 174 (2010).

Circuit court did not err in finding a witness in criminal contempt because he did not inform counsel for a legislative audit committee that he had a conflict, but merely left a voicemail that he was not going to appear at the hearing, his reasons for failing to answer a subpoena did not amount to good cause, the petition and order to show cause sufficiently provided the witness with notice that he was accused of criminal contempt, and he did not preserve his sufficiency-of-the-evidence claim. *Valley v. Pulaski County Circuit Court*, 2014 Ark. 112, 431 S.W.3d 916 (2014).

Holding an attorney in contempt did not violate the attorney's rights to notice and an opportunity to be heard because the attorney willfully violated a court order in

the court's presence, so the attorney could be summarily punished. *James v. Pulaski County Circuit Court*, 2014 Ark. 305, 439 S.W.3d 19 (2014).

Wife was afforded due process in a contempt proceeding where case law, subsection (c) of this section, and constitutional law required only that she be notified of the accusation and given a reasonable time to make her defense, and the order to show cause clearly gave notice that her failure to abide by the divorce decree regarding spending her daughter's funds subjected her to the possibility of being held in contempt and provided nearly two months' preparation time. *Coleman v. Coleman*, 2016 Ark. App. 324, 497 S.W.3d 688 (2016).

County supervisor's due process claim was rejected as the motion for contempt provided the supervisor sufficient notice that she personally faced contempt charges, she and the Department of Human Services were represented at the contempt hearing, she testified at the hearing, and there was no requirement for a verified petition or affidavit. *Ark. Dep't of Human Servs. v. Hellyer*, 2017 Ark. App. 294, 521 S.W.3d 158 (2017).

Defendant's due process argument was rejected where due to her appearance before the court while under the influence of marijuana, she was summarily held in contempt, and in a summary contempt proceeding, a contemnor was not entitled to notice and an opportunity to be heard. *Taylor v. State*, 2021 Ark. App. 98, 618 S.W.3d 207 (2021).

### **Erroneous Contempt Finding.**

It was error to hold a father in indirect contempt for failure to pay child support because the Office of Child Support Enforcement presented no evidence of non-compliance, as counsel's unsworn statements that the father had not paid were not testimony or evidence required to prove indirect contempt occurring outside the court's presence, so there was no such evidence before the court. *Williams v. State Office of Child Support Enforcement*, 2015 Ark. App. 225, 459 S.W.3d 321 (2015).

### **Notice.**

Defendant attorney had to be notified of the accusation of criminal contempt and be afforded a reasonable time to make his

defense, and the finding that the petition for order to show cause was deposited with the U.S. Postal Service with first-class mail postage was not sufficient to provide defendant with notice that he was accused of criminal contempt for his failure to appear at a client's hearing; as the record failed to show constitutionally sufficient notice, the judgment was reversed. *Thompson v. State*, 2016 Ark. 383, 503 S.W.3d 62 (2016).

Because a former husband's alleged contemptuous actions occurred outside the immediate view and presence of the trial court, the husband was entitled to notice of the accusation and a reasonable time to make his defense; the former wife's motion did not contain the term "contempt", and the husband's responding to the wife's motion and appearing before the trial court to defend against it was not synonymous with being notified of and defending against a specific contempt charge. *Elder v. Elder*, 2018 Ark. App. 276, 549 S.W.3d 919 (2018).

Circuit court erred in finding the father in contempt for nonpayment of child support because he was entitled to notice of the contempt accusation and a reasonable time to defend it, which he did not receive, as the mother did not file a motion for contempt on the issue of the child-support arrearages. *Wadley v. Wadley*, 2019 Ark. App. 549, 590 S.W.3d 754 (2019).

Circuit court's criminal contempt finding against former wife did not violate due process or this section because the former husband's contempt petition and the wife's response to it belied her argument that she was not informed of the alleged misconduct—not making timely child support payments—or of the possible consequences of it. *Crowe v. Crowe*, 2020 Ark. App. 37 (2020).

### **Punishment.**

It was not an abuse of discretion to deny defendant's mistrial motion when defendant's alibi witness was arrested in the jury's presence because the witness disobeyed a court order in the jury's presence; thus, the court was entitled to summarily punish the witness. *Thacker v. State*, 2015 Ark. App. 573, 473 S.W.3d 583 (2015).

Imposing 20 days' incarceration on a wife who admittedly violated a divorce decree requiring her to notify the court



before spending her daughter's funds was not an abuse of discretion where the wife admittedly and repeatedly violated a known court order over several years, and the court could have imposed up to 30 days' of incarceration under § 5-4-401(b)(3). *Coleman v. Coleman*, 2016 Ark. App. 324, 497 S.W.3d 688 (2016).

Circuit court's punishment of an unconditional penalty (eight hours of community service and a one-page paper) is treated by the law as criminal contempt. *Ark. Dep't of Human Servs. v. Dowdy*, 2018 Ark. 307, 558 S.W.3d 847 (2018).

#### **Relation to Other Law.**

Criminal contempt findings do not violate an automatic bankruptcy stay. *Crowe v. Crowe*, 2020 Ark. App. 37 (2020).

#### **Right to Appeal.**

Because defendant was convicted of a misdemeanor of criminal contempt, he had the right to appeal under § 16-91-101 and Rule 1(a) of the Rules of Appellate Procedure—Criminal. The mootness doctrine did not bar a direct appeal, despite the fact that he had already served his criminal contempt sentence. *Thompson v. State*, 2016 Ark. 383, 503 S.W.3d 62 (2016).

Defendant was clearly convicted of a misdemeanor because this section, which he was found guilty of violating, states that punishment for contempt is a Class C misdemeanor. *Thompson v. State*, 2016 Ark. 383, 503 S.W.3d 62 (2016).

A defendant's right to a direct appeal from his criminal conviction continues af-

ter his service of confinement. Thus, *Swindle v. State*, 373 Ark. 519, 285 S.W.3d 200 (2008), was clearly wrong to the extent that it conflicted with the Supreme Court's present holding that the mootness doctrine did not bar defendant's direct appeal of his criminal contempt conviction. *Thompson v. State*, 2016 Ark. 383, 503 S.W.3d 62 (2016).

#### **Right to Jury Trial.**

Wife was not entitled to a jury trial after the circuit court found her in indirect criminal contempt because there was no dispute that the sentence imposed on the wife for the five counts was less than six months and that §§ 16-10-108 and 5-4-401 did not authorize a sentence in excess of six months, and, while the court did not provide a statutory cap as requested, there was nothing to indicate from the court's colloquy with the wife's counsel that the court contemplated imposing a sentence greater than six months. *Damron v. Damron*, 2019 Ark. App. 160, 574 S.W.3d 166 (2019).

#### **Time of Hearing.**

Circuit court's order finding an attorney in contempt for violating an order was affirmed; although the attorney argued that the contempt hearing was held less than 20 days after the motion was filed, in violation of Ark. R. Civ. P. 6(c), this section sets no fixed time for a party's response to a charge of contempt and the attorney failed to identify any prejudice. *Jackson v. Stratton*, 2016 Ark. App. 6 (2016).

### **16-10-110. Seals.**

#### **CASE NOTES**

**Cited:** *Unimeks, LLC v. Purolite*, 2012 Ark. 20, 386 S.W.3d 419 (2012).

### **16-10-114. Courts not to open on Sunday — Exceptions.**

#### **CASE NOTES**

#### **Receiving Verdict on Sunday.**

Issuing a contempt order on Sunday did not invalidate the order because a verdict

was received at the same time. *James v. Pulaski County Circuit Court*, 2014 Ark. 305, 439 S.W.3d 19 (2014).

**16-10-119. Travel expenses of judges.**

(a) From the appropriation provided to the Auditor of State for trial judges' expenses, a circuit court judge or a district court judge is authorized to be reimbursed for travel expenses at the rate authorized for state employees and for mileage at the rate established in the state travel rules for state employees while traveling within the state in the performance of his or her official duties.

(b) When a circuit court judge or a district court judge is appointed by the Chief Justice to hear a case or cases in a jurisdiction outside of that in which he or she has been elected, he or she shall be entitled to reimbursement for travel expenses and mileage as provided in subsection (a) of this section.

**History.** Acts 1993, No. 4, § 7; 1995, No. 3, § 5; 1997, No. 496, § 1; 2011, No. 274, § 2; 2019, No. 315, § 1291; 2021, No. 818, § 1.

**A.C.R.C. Notes.** Acts 2011, No. 274, § 1, provided: "Legislative intent.

"(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

"(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

"(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification."

**Amendments.** The 2019 amendment substituted "rules" for "regulations" in (a).

The 2021 amendment, in (a) and (b), inserted "court" following "a circuit" and inserted "or a district court judge"; and made stylistic changes.

**16-10-127. [Repealed.]**

**Publisher's Notes.** This section, concerning court interpreters, was repealed by Acts 2013, No. 237, § 1. The section

was derived from Acts 1981, No. 477, §§ 1-3; A.S.A. 1947, §§ 22-151 — 22-153; Acts 2001, No. 424, § 1.

**16-10-130. [Repealed.]**

**Publisher's Notes.** This section, concerning precedence given to criminal trials when the alleged victim is under the age of fourteen, was repealed by Acts

2021, No. 475, § 2, effective July 28, 2021. The section was derived from Acts 1985, No. 569, § 1; A.S.A. 1947, § 22-159.

**16-10-133. [Repealed.]**

**Publisher's Notes.** This section, concerning trial court staff, was repealed by Acts 2015, No. 268, § 14. The section was derived from Acts 1995, No. 1256, § 16;

1997, No. 209, § 3; 1997, No. 788, § 27; 1997, No. 1341, § 26; 1999, No. 1508, § 7; 2003, No. 932, § 3.



**16-10-134. [Repealed.]**

**Publisher's Notes.** This section, concerning trial court staff and their credit for county service, was repealed by Acts

2015, No. 268, § 15. The section was derived from Acts 1997, No. 1355, § 10.

**16-10-136. Extrajudicial activities of justices and judges.**

Restrictions on extrajudicial activities found in Arkansas Constitution, Amendment 80, shall not preclude a justice or judge from:

- (1) Being a member of a reserve unit of any branch of the United States Armed Forces;
- (2) Being a member of the National Guard;
- (3) Teaching;
- (4) Serving on any state or United States boards or commissions which relate to the law for the administration of justice; or
- (5) Serving in an extrajudicial capacity that is not prohibited by the Arkansas Code of Judicial Conduct.

**History.** Acts 2001, No. 914, § 1; 2005, No. 1934, § 1; 2021, No. 475, § 3.

**Amendments.** The 2021 amendment deleted (6) and made a stylistic change.

**16-10-137. Administrative Office of the Courts — Annual report.**

(a) On July 31 of each year, the Administrative Office of the Courts shall submit an annual report to the Legislative Council showing the number of persons charged in circuit court for each criminal offense classification, comparing the state and each judicial district.

(b) The report shall include a breakdown by race of all persons charged in each criminal offense classification.

(c) The report shall include the same data for those cases in which a final disposition has been entered by the court.

**History.** Acts 2003, No. 1031, § 3; 2011, No. 1132, § 1.

**16-10-138. [Repealed.]**

**Publisher's Notes.** This section, concerning mandatory reporter training, was repealed by Acts 2013, No. 375, § 1. The

section was derived from Acts 2007, No. 703, § 13.

**16-10-139. Specialty court program evaluation and approval — Transfer — Definition.**

(a) As used in this section, "specialty court program" means one (1) of the following:

- (1) A pre-adjudication program under § 5-4-901 et seq.;
- (2) An approved drug court program under the Arkansas Drug Court Act, § 16-98-301 et seq.;
- (3) The Swift and Certain Accountability on Probation Pilot Program under § 16-93-1701 et seq.; and

(4) Any other specialty court program that has been approved by the Supreme Court, including without limitation specialty court programs known as:

- (A) A DWI/BWI specialty court program;
- (B) A mental health specialty court program;
- (C) A veterans treatment specialty court program;
- (D) A juvenile drug court;
- (E) A "HOPE" court; and
- (F) A domestic violence specialty court program.

(b) A specialty court program operated by a circuit court or district court must be approved by the Supreme Court in the administrative plan submitted under Supreme Court Administrative Order Nos. 14 and 18.

(c)(1) The Specialty Court Program Advisory Committee shall evaluate and make findings with respect to all specialty court programs operated by a circuit court or district court in this state and refer the findings to the Supreme Court.

(2) An evaluation under this section shall reflect nationally recognized and peer-reviewed standards for each particular type of specialty court program.

(3) The Specialty Court Program Advisory Committee shall also:

(A) Establish, implement, and operate a uniform specialty court program evaluation process to ensure specialty court program resources are uniformly directed to high-risk, high-need offenders and that specialty court programs provide effective and proven practices that reduce recidivism, as well as other factors such as substance dependency, among participants;

(B) Establish an evaluation process that ensures that any new and existing specialty court program that is a drug court program meets standards for drug court program operation under § 16-98-302(b); and

(C) Promulgate rules to be approved by the Supreme Court to carry out the evaluation process under this section.

(d) A specialty court program shall be evaluated under the following schedule:

(1) A specialty court program established on or after April 1, 2015, shall be evaluated after its second year of funded operation;

(2) A specialty court program in existence on April 1, 2015, shall be evaluated under the requirements of this section prior to expending resources budgeted for fiscal year 2017; and

(3) A specialty court program shall be reevaluated every two (2) years after the initial evaluation.

(e)(1)(A) On motion of a specialty court program participant, a specialty court judge who presides over a specialty court program may by written order transfer responsibility for supervision and specialty court program enforcement of the specialty court program participant's case to another specialty court judge with the consent of the other specialty court judge.



(B) The specialty court program participant shall comply with the policies and procedures for the specialty court program to which the specialty court program participant's case is transferred.

(C) The specialty court judge to whom the specialty court program participant's case is transferred may impose sanctions on the specialty court program participant, including without limitation the imposition of a period of incarceration and the requirement of inpatient treatment under the written policies and procedures for the specialty court program to which the specialty court program participant's case has been transferred.

(2)(A) If the specialty court judge to whom the specialty court program participant's case has been transferred determines that the specialty court program participant has successfully completed the specialty court program, the specialty court judge shall notify the transferring specialty court judge and request that the appropriate orders be entered in the specialty court program participant's case.

(B)(i) If after a specialty court program participant's case is transferred, the specialty court team recommends that the specialty court program participant be removed from the specialty court program, the specialty court judge shall enter an order returning the specialty court program participant's case to the transferring specialty court program.

(ii) Upon return of the specialty court program participant's case to the transferring specialty court program, the specialty court judge shall determine an appropriate disposition of the matter.

(f)(1)(A) If a specialty court program participant's case is transferred from a district court, all assessed fines, penalties, court costs, and fees other than those described under subdivision (f)(2) of this section shall be paid to the transferring district court, notwithstanding the provisions of § 16-10-141.

(B) The funds described under subdivision (f)(1)(A) of this section shall be disbursed as required under § 16-17-707.

(2) In accordance with § 16-10-141(b)(2)-(7), the district court to which the case is transferred may assess and collect:

- (A) Treatment costs;
- (B) Drug testing costs;
- (C) A local specialty court program user fee;
- (D) Necessary supervision fees, including any applicable residential treatment fees;
- (E) Global Positioning System monitoring costs; and
- (F) Continuous alcohol monitoring fees.

(g)(1) If a specialty court program participant's case is transferred from a circuit court, all assessed fines, penalties, court costs, and fees other than those under subdivision (g)(2) of this section shall be paid to the transferring circuit court, notwithstanding the provisions of § 16-98-304.

(2) In accordance with §§ 5-4-907, 16-10-701, 16-98-304, 16-100-209, and 16-101-104, the circuit court to which the specialty court program participant's case is transferred may assess and collect:

- (A) Treatment costs;
- (B) Drug testing costs;
- (C) A local specialty court program user fee;
- (D) Necessary supervision fees, including any applicable residential treatment fees;
- (E) A fee determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) that is to be paid to the Division of Community Correction;
- (F) Global Positioning System monitoring costs;
- (G) Continuous alcohol monitoring fees;
- (H) Tuition and other educational fees for a vocational school, technical school, community college, or two-year or four-year public university that is part of the pre-adjudication probation program in which the specialty court program participant is participating; and
- (I) A specialty court program public defender user fee.

**History.** Acts 2015, No. 895, § 15; 2021, No. 58, § 1.

**A.C.R.C. Notes.** Acts 2015, No. 895, § 1, provided: “Legislative intent. It is the intent of the General Assembly to implement wide-ranging reforms to the criminal justice system in order to address prison overcrowding, promote seamless reentry into society, reduce medical costs incurred by the state and local governments, aid law enforcement agencies in

fighting crime and keeping the peace, and to enhance public safety.”

**Amendments.** The 2021 amendment inserted “Transfer” in the section heading; rewrote (a)(4); substituted “Nos. 14 and 18” for “No. 14” in (b); substituted “high-risk, high-need offenders” for “high-risk and medium-risk offenders” in (c)(3)(A); inserted the second and third occurrences of “program” in (c)(3)(B); and added (e)-(g).

## 16-10-140. Accumulation of data concerning sexual offenses — Definitions.

(a) As used in this section:

(1) “Family or household member” means the same as defined in § 5-26-302; and

(2) “Sex offense” means the same as defined in § 12-12-903.

(b)(1) Consistent with the rules of the Supreme Court, the Administrative Office of the Courts is encouraged to individually track or design a method to track and accumulate data on the familial or residential status of the victim of a sex offense in relation to the offender.

(2) A method designed under subdivision (b)(1) of this section shall:

(A) Indicate whether the victim was a family or household member of the offender at the time of the sex offense; and

(B) Protect against revealing the identity of the victim, either directly or indirectly.

**History.** Acts 2017, No. 571, § 1.

## 16-10-141. District court costs and fees — Specialty courts.

(a) As used in this section, “specialty court program” means the same as defined in § 16-10-139.



(b) A district court judge presiding over a specialty court program that has been approved by the Supreme Court may order the offender to pay:

- (1) Court costs as provided in § 16-10-305;
- (2) Treatment costs;
- (3) Drug testing costs;
- (4) A local specialty court program user fee;
- (5) Necessary supervision fees, including any applicable residential treatment fees;
- (6) Global Positioning System monitoring costs; and
- (7) Continuous alcohol monitoring fees.

(c)(1) The district court judge presiding over a specialty court program shall establish a schedule for the payment of specialty court program costs and fees.

(2) The costs for treatment, drug testing, continuous alcohol monitoring and supervision shall be set by the treatment and supervision providers and made part of the order of the district court judge presiding over a specialty court program for payment.

(3) Specialty court program user fees shall be set by the district court judge presiding over a specialty court program.

(4) The costs for treatment, drug testing, continuous alcohol monitoring, and supervision shall be paid to the respective providers.

(5)(A) Court costs and local specialty court program user fees assessed by the district court judge presiding over the specialty court program shall be paid to the county, town, or city official, agency, or department that is primarily responsible for the collection of fines assessed by the district court under § 16-13-709 for remittance into a local fund entitled the "District Court Specialty Court Program Fund".

(B) Installment payments shall be considered a payment toward court costs under § 16-10-305 until the court costs have been collected in full.

(C) Any remaining payments representing collections of other fees and costs as authorized in this section shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited into the fund.

(D) A district court that is funded solely by the county shall remit all remaining funds by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited into the fund.

(E) Expenditures from the fund shall require the approval of the district court judge presiding over the specialty court program and shall be authorized and paid by law concerning the appropriation and payment of county or municipal expenditures by the governing body or, if applicable, governing bodies, that contribute to the expenses of the district court.

(F)(i) Expenditures from the fund shall be used solely for the support, benefit, and administration of the specialty court program.

(ii) Expenditures may be made for indirect expenses related to the specialty court program, including training and travel expenses, program user incentives, graduation costs, and supplies.

(6) Court orders for costs and fees shall remain an obligation of the offender and shall be monitored by the district court until fully paid.

(d) A grant awarded to a specialty court program presided over by a district court judge, as well as all memorials, honorariums, and other monetary gifts to the specialty court program shall be deposited into the fund.

(e) A fee or costs under this section may be waived in whole or in part if the district court finds that the person subject to paying the cost or fee is indigent.

**History.** Acts 2019, No. 1044, § 1.

## SUBCHAPTER 2 — ACCOUNTING PRACTICES

### SECTION.

- 16-10-202. Definitions.
- 16-10-204. Bank accounts for court funds.
- 16-10-205. Citations.
- 16-10-206. Court docket.
- 16-10-207. Police department and marshals' and sheriffs' offices — Activities and clerical duties required.

### SECTION.

- 16-10-208. Court clerk or court administrator — Eligibility.
- 16-10-209. Court clerk — Activities and clerical duties.
- 16-10-211. Record retention schedule.
- 16-10-212. [Repealed.]

**Effective Dates.** Acts 2011, No. 1174, § 10: Jan. 1, 2012.

Acts 2013, No. 282, § 17: Mar. 6, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective date of this act could

cause irreparable harm upon the proper administration of essential governmental programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 16-10-202. Definitions.

As used in this subchapter:

(1) "Citation" means a written order or electronic ticket issued by a law enforcement officer or employee of the department of public safety of a city or incorporated town who is authorized to make an arrest, requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time;



(2) "Court" means a district court in the State of Arkansas; and

(3) "Electronic ticket" means an electronic citation or warning printed by a law enforcement officer and issued to a person accused of violating the law.

**History.** Acts 1977, No. 332, § 2; A.S.A. §§ 46, 47; 2007, No. 663, § 22; 2011, No. 1947, § 22-1102; Acts 2003, No. 1185, 908, §§ 1, 2; 2011, No. 1174, § 1.

#### **16-10-204. Bank accounts for court funds.**

(a)(1) Each municipal police department and each city or town marshal shall maintain court funds separately in depositories approved for those specific purposes by law.

(2) Court funds must be deposited into an account styled "(Name of Municipality) Police Department Bond and Fine Account", and the funds shall be disbursed only on the signature of the chief of police or marshal of the municipality and the signature of one (1) other authorized person.

(b)(1) Each office of county sheriff shall maintain court funds separately in depositories approved for those specific purposes by law.

(2) Court funds must be deposited into an account styled "(Name of County) County Sheriff's Bond and Fine Account", and the funds shall be disbursed only on the signature of the sheriff of the county and the signature of one (1) other authorized person.

(c)(1) Each court shall maintain court funds separately in depositories approved for those specific purposes by law.

(2) Court funds must be deposited into an account styled "(Name of Court) Court Account", and the funds shall be disbursed only upon the signature of the court clerk and the signature of one (1) other person to be authorized by the court's presiding judge.

(d) All disbursements from the accounts in this section must be evidenced by prenumbered checks.

(e) Subsections (a) and (b) of this section do not apply if the court clerk has been designated to be primarily responsible for the collection of fines under § 16-13-709.

**History.** Acts 1977, No. 332, § 3; A.S.A. 1947, § 22-1103; Acts 2011, No. 1174, § 2.

#### **16-10-205. Citations.**

(a) Each municipal police department, city or town marshal, and county sheriff's office shall maintain and issue uniform written citations or electronic citations for violation of all municipal and state laws.

(b)(1) All uniform written citation books must be prenumbered by the printer and a printer's certificate shall be furnished to the police department, marshal's office, or sheriff's office, and the certificate shall be made available for inspection.

(2) The certificate must state the printing date, the numerical sequence of citations printed, and the printer's name.

(c) All void or spoiled written citations must be accounted for by attaching all copies to the hard copy in the uniform citation book.

(d)(1) All written citations must have at least an original and three (3) copies used and distributed as follows:

(A) Hard copy: Violator's copy;

(B) White copy: Police department, marshal's office, or sheriff's office copy;

(C)(i) Yellow copy: Court clerk's copy, to be forwarded to the Office of Driver Services as provided in this subdivision (d)(1)(C).

(ii) Within five (5) business days after a conviction or forfeiture of bail of a person charged with a violation of any law regulating the operation of vehicles on a highway, § 3-3-203(a) or § 5-27-503(a)(3), the clerk shall forward the yellow copy covering the case in which the person was convicted or forfeited bail.

(iii) The yellow copy shall be certified by the person required to prepare it and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail was forfeited, and the amount of the fine or forfeiture.

(iv) Within five (5) business days after the disposition of any case, the clerk shall forward the yellow copy of the citation and the resulting disposition of the case.

(v) A court using the case management system provided by the Administrative Office of the Courts or the electronic reporting system of the Office of Driver Services is not required to submit the yellow copy to the Office of Driver Services but must enter the disposition or judgment of conviction into the case management system or the electronic reporting system within the time required in this section; and

(D) Pink copy: Remains in uniform citation book.

(2) The citations shall be given to the police department, marshal's office, sheriff's office, or court clerk at least seven (7) business days before the court date.

(e) If an electronic citation is used:

(1) The electronic citation shall indicate whether or not there was a person under eighteen (18) years of age present at the time of the offense for which the electronic citation was issued;

(2) A printed copy of the electronic citation shall be given to the violator;

(3) A copy of the electronic citation must be maintained by the issuing police department, marshal's office, or county sheriff's office; and

(4)(A) A copy of the electronic citation shall be forwarded to the court clerk in either electronic or written format, as designated by the court clerk, at least seven (7) business days before the court date.

(B) The court clerk's copy shall be forwarded to the Office of Driver Services as provided in subdivision (d)(1)(C) of this section.



(f) If an electronic citation system is used, the system must be in compliance with the Information Systems Best Practices Checklist provided by the Legislative Joint Auditing Committee.

(g) Controls for citations.

(1) A list of all uniform written citation books and the corresponding range of citations in each book shall be kept in the police department, office of city or town marshal, or sheriff's office.

(2) The chief of police, marshal, or sheriff shall issue the uniform written citation books, unless the chief of police, marshal, or sheriff designates in writing another person to perform this duty.

(3) The chief of police, marshal, or sheriff shall ensure that all citations issued are entered on the arrest report or in the electronic case management system.

(4) Upon completion, each uniform written citation book shall immediately be filed with the court clerk and made available for inspection.

(5) Upon case adjudication, the police department, office of city or town marshal, or sheriff's office shall file its copy of the citation either alphabetically or numerically.

(h) A citation issued by a school resource officer under § 16-81-118 is exempt from the requirements of this section.

**History.** Acts 1977, No. 332, § 4; A.S.A. 1947, § 22-1104; Acts 2009, No. 456, § 1; 2011, No. 44, § 1; 2011, No. 908, § 3; 2011, No. 1174, § 3; 2015, No. 1179, § 2; 2017, No. 714, § 3. added (e)(1) and redesignated the remaining subdivisions accordingly; substituted "shall" for "must" in (e)(2) and (e)(4)(A); and inserted "county" preceding "sheriff's" in (e)(3).

**Amendments.** The 2017 amendment

## 16-10-206. Court docket.

(a) All violations shall be docketed and all judgments shall be rendered by the court's presiding judge.

(b) The court docket shall reflect the complete history of the violation and the disposition of each case, and shall contain the following information:

- (1) The citation number;
- (2) The date and nature of the violation;
- (3) The date the court convened to hear the case;
- (4) The names of arresting officers and witnesses, if any;
- (5) The judgment rendered by the court;
- (6) The signature or initials of the judge;
- (7) The total amount of the fine and costs;
- (8) The receipt number and dollar amount evidencing payment of fine and costs; and

(9) If applicable, the check number and dollar amount evidencing authorized bond refund. The check itself will indicate the docket number evidencing authorization.

(c) The docket shall be numbered by the court clerk in accordance with the Rules of the Supreme Court and Court of Appeals of the State of Arkansas.

(d)(1) For manual dockets, the docket pages shall be prenumbered by the printer, and a printer's certificate or other evidence shall be furnished to the court's clerk which shall be made available for inspection.

(2) Docket pages must be either bound or loose-leaf, provided that accountability and control are maintained over loose-leaf docket pages.

(e) For manual or electronic dockets, the docket pages shall be numbered independently of court docket numbers assigned by the court clerk.

(f) The court clerk shall keep separate court dockets, one (1) for city cases and one (1) for county cases.

**History.** Acts 1977, No. 332, § 5; A.S.A. 1947, § 22-1105; Acts 2005, No. 1934, § 2; 2011, No. 1174, § 4.

### **16-10-207. Police department and marshals' and sheriffs' offices — Activities and clerical duties required.**

The following activities and clerical duties relating to court functions shall be required of all police departments, city or town marshals, and sheriffs' offices:

(1) Preparation and Submission of Arrest Report.

(A) Separate arrest reports shall be prepared for city cases and county cases.

(B) The arrest report shall contain the following information:

(i) Citation number;

(ii) Violator's name;

(iii) Nature of the offense;

(iv) Name of the arresting officer;

(v) Receipt number, if applicable;

(vi) Fine and costs collected, if applicable; and

(vii) Any other additional information deemed appropriate or necessary.

(C) Before the court date, the arrest report shall be prepared from the citations accumulated in the court date file in the police department office, marshal's office, or sheriff's office.

(D) If applicable, the fine and costs collected shall be totaled, and a check shall be drawn payable to the court fund that represents moneys collected and receipts issued by the police department, marshal's office, or sheriff's office for those citations contained on the arrest report.

(E) A completed copy of the arrest report accompanied by the police department's, marshal's office, or sheriff's office check, if applicable, shall be delivered to the court clerk at least seven (7) business days before the court date; and

(2) Collection, Receipt, and Deposit Procedures.

(A) This subdivision (2) does not apply if the court clerk has been designated to be primarily responsible for the collection of fines under § 16-13-709.



(B) A prenumbered receipt must be issued for all moneys collected.

(C) Prenumbered manual receipts must meet the following minimum standards:

(i) All receipt books must be prenumbered by the printer, and a printer's certificate shall be furnished to the police department, marshal's office, or sheriff's office, which shall be made available for inspection;

(ii) The certificate must state the printing date, the numerical sequence of receipts printed, and the printer's name; and

(iii) All void or spoiled receipts must be accounted for by attaching the original copy of the receipt to the duplicate copy of the receipt in the receipt book, with the reason for the void or spoiled receipt documented and retained for audit purposes.

(D) If an electronic receipting system is used, the system must be in compliance with the Information Systems Best Practices Checklist provided by the Legislative Joint Auditing Committee.

(E) The receipt shall be issued in the name of the violator regardless of who paid the bond or fine or who collected the bond or fine and must indicate the method of payment, such as cash, check, money order, or credit card.

(F)(i) Receipts shall be deposited intact daily into the bank account maintained by the police department, marshal's office, or sheriff's office.

(ii) All receipt numbers shall be entered on the arrest report by the police department, marshal's office, or sheriff's office.

(G) The police department, marshal's office, or sheriff's office may maintain separate bank accounts for city cases and county cases.

(H)(i) The bank deposit slips prepared by the police department, marshal's office, or sheriff's office shall contain the range of receipt numbers evidencing such collections.

(ii) In addition, the receipts issued shall be reconciled with the monthly bank deposits.

(I) A bank reconciliation shall be made at the end of each month, and any balance remaining in the bank account shall be identified with receipts issued but not yet entered on the arrest report.

(J)(i) A cash receipts journal or electronic receipts listing shall be established.

(ii) The receipts journal or electronic receipts listing must indicate the receipt number, receipt date, violator's name, amount of the receipt, and classification of the receipt.

(iii) The receipts journal or electronic receipts listing shall be properly balanced and totaled monthly and on a year-to-date basis.

(iv) The receipts journal or electronic receipts listing shall be reconciled monthly to total bank deposits as shown on the bank statements.

(K)(i) A cash disbursements journal or electronic check register shall be established.

(ii) The disbursements journal or electronic check register must indicate the date, payee, check number, amount for each check written, and the classification of the disbursement.

(iii) The disbursements journal or electronic check register shall be properly balanced and totaled monthly and on a year-to-date basis.

(iv) The disbursements journal or electronic check register shall be reconciled monthly to total bank disbursements as indicated on the bank statements.

**History.** Acts 1977, No. 332, § 6; A.S.A. 1947, § 22-1106; Acts 2007, No. 627, § 1; 2009, No. 456, § 2; 2011, No. 1174, § 5.

### **16-10-208. Court clerk or court administrator — Eligibility.**

The court clerk or court administrator shall not be a member of the police department, marshal's office, or sheriff's office.

**History.** Acts 1977, No. 332, § 7; A.S.A. 1947, § 22-1107; Acts 2011, No. 1174, § 6.

### **16-10-209. Court clerk — Activities and clerical duties.**

The following activities and clerical duties relating to court functions shall be required of all court clerks:

(1) COLLECTION, RECEIPT, AND DEPOSIT PROCEDURES.

(A) A prenumbered receipt must be issued for all moneys collected.

(B) Prenumbered manual receipts must meet the following minimum standards:

(i) All receipt books must be prenumbered by the printer, and a printer's certificate shall be furnished to the court clerk, which shall be made available for inspection;

(ii) The certificate must state the printing date, the numerical sequence of receipts printed, and the printer's name; and

(iii) All void or spoiled receipts must be accounted for by attaching the original copy of the receipt to the duplicate copy of the receipt in the receipt book, with the reason for the void or spoiled receipt documented and retained for audit purposes.

(C) If an electronic receipting system is used, the system must be in compliance with the Information Systems Best Practices Checklist provided by the Legislative Joint Auditing Committee.

(D)(i) For those checks forwarded with the arrest reports, the receipt shall be issued in the name of the police department, marshal's office, or sheriff's office.

(ii) For those receipts issued at court date, the court clerk shall issue such receipts in the name of the defendant, regardless of who paid the bond or fine or who collected the bond or fine, indicating on the receipt the method of payment, such as cash, check, money order, or credit card.

(E) Receipts shall be deposited intact daily into the separate bank account maintained by the court clerk.



(F)(i) The bank deposit slips prepared by the court clerk shall contain the range of receipt numbers evidencing such collections.

(ii) Additionally, the receipts issued shall be reconciled with the monthly bank deposits.

(G) A bank reconciliation shall be made at the end of each month, and any balance remaining in the bank account shall be identified with receipt numbers for cases not yet adjudicated and the payments made on all unpaid individual time accounts.

(H) The court clerk may maintain separate bank accounts for city cases and for county cases;

(2) PREPARATION AND SUBMISSION OF DISTRIBUTION REPORT.

(A) The distribution report shall contain the following information:

- (i) The citation number;
- (ii) The defendant's name;
- (iii) The nature of the offense;
- (iv) The name of arresting officer;
- (v) The court docket number;
- (vi) The disposition or date continued;
- (vii) The receipt number;
- (viii) The total fine and costs collected;
- (ix) The fine;
- (x) The fees and costs itemized;
- (xi) The bond refund amount;
- (xii) The bond refund check number; and
- (xiii) The installment payment amount.

(B) The court clerk at each court date shall prepare the distribution report from the arrest report supplied by the police department, marshal's office, or sheriff's office.

(C) At the end of each court date, the court clerk shall complete the distribution report for the court date and total the dollar amounts contained in the report.

(D) The distribution reports prepared each court date shall be summarized at least monthly.

(E) The court clerk shall make a direct monetary settlement on or before the tenth day of the next-following month with each of the following:

- (i) The city treasurer;
- (ii) The county treasurer;
- (iii) The Administration of Justice Funds Section; and
- (iv) Any other state agency or entity which receives fines or fees assessed by the court and collected pursuant to law.

(F) The court clerk shall submit electronically or in writing a monthly distribution report describing the direct monetary settlements under subdivision (2)(E) of this section no later than the tenth day of each month to the county treasurer;

(3) MINIMUM BOOKKEEPING REQUIREMENTS.

(A)(i) The court clerk shall maintain a cash receipts journal or electronic receipts listing.

(ii) The court clerk may maintain separate cash receipts journals or electronic receipts listings for city cases and county cases.

(iii) The receipts journal or electronic receipts listing must indicate the receipt number, receipt date, violator's or payor's name, amount of the receipt, and classification of the receipt.

(iv) The receipts journal or electronic receipts listing shall be properly balanced and totaled monthly and on a year-to-date basis.

(v) The receipts journal or electronic receipts listing shall be reconciled monthly to total bank deposits as shown on the bank statements.

(B)(i) The court clerk shall maintain a cash disbursements journal or electronic check register.

(ii) The court clerk may maintain separate cash disbursements journals or electronic check registers for city cases and county cases.

(iii) The disbursements journal or electronic check register must indicate the date, payee, check number, amount for each check written, and classification of the disbursement.

(iv) The disbursements journal or electronic check register shall be properly balanced and totaled monthly and on a year-to-date basis.

(v) The disbursements journal or electronic check register shall be reconciled monthly to total bank disbursements as indicated on the bank statements;

#### (4) BOND REFUNDS.

(A) All bond refunds shall be made only upon the authorization of the presiding judge and shall be indicated as such on the court docket.

(B)(i) All bond refunds shall be made only by a check drawn on the court's bank account.

(ii) Additionally, the check shall indicate the court docket number for authorization.

(C) The court clerk shall enter all bond refunds on the applicable distribution report;

#### (5) INSTALLMENT PAYMENTS.

(A) Installment payments shall be allowed only upon the authorization of the presiding judge and shall be indicated as such on the court docket.

(B)(i) The court clerk shall establish and maintain individual installment payment account ledger records, with a duplicate copy of the ledger record being furnished to and maintained by the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts.

(ii) The ledger records shall contain the following minimum information:

- (a) Name of the individual;
- (b) Court docket number and court date;
- (c) Nature of the violation;
- (d) Total fine and costs assessed;



(e) Receipt number, date, and amount of payment; and

(f) Unpaid balance of fine, fees, and costs.

(C) The county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts shall be responsible for collecting all installment payments and shall enter all collected installment payments on each applicable arrest or distribution report.

(D)(i) The court clerk shall establish and maintain a control total for installment payments, which is a summary of all unpaid individual installment payment accounts.

(ii) The control total shall be reconciled monthly with the individual installment payment accounts.

(E)(i) The court clerk shall furnish the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts and the presiding judge monthly with a list of all unpaid installment payment accounts for which a payment has not been received within the past thirty (30) days.

(ii) The presiding judge shall then take the necessary action deemed appropriate in the circumstances.

(F)(i) All installment payments shall initially be deemed to be collections of court costs until the court costs have been collected in full, with any remaining installment payments representing collections of restitution, and then fines.

(ii) If court costs, restitution, and fines are fully paid, all remaining installment payments shall be allocated to remaining amounts due.

(iii) A municipal or county governing body that adopted municipal or county legislation before July 1, 2012, to provide an alternative method of installment payment allocation as then authorized by state law shall remain in effect until repealed; and

#### (6) RECONCILIATION OF COMPLETED CITATION BOOKS.

(A) The court clerk shall reconcile on a quarterly basis on or before the fifteenth day of the month following the end of the calendar quarter the individual citations in the completed citation book to the individual citations as reflected on the arrest reports or court dockets.

(B)(i) For any discrepancies noted in the reconciliation in subdivision (6)(A) of this section, the court clerk shall prepare a list and present this list to the court's judge for his or her appropriate action.

(ii) This list shall be maintained for audit purposes.

(C) If the court clerk is designated under § 16-13-709 to be primarily responsible for the collection of fines, the reconciliation of completed citation books described in this subdivision (6) shall be performed by someone outside of the court clerk's office as determined by the court judge.

**History.** Acts 1977, No. 332, § 7; 1985, 1341, § 3; 1999, No. 1081, §§ 1, 2; 1999, No. 677, §§ 1, 2; 1985, No. 776, §§ 1, 2; No. 1508, § 7; 2003, No. 1765, § 7; 2005, A.S.A. 1947, § 22-1107; Acts 1991, No. No. 1934, § 3; 2011, No. 1174, § 7; 2013, 904, § 21; 1997, No. 788, § 3; 1997, No. No. 282, § 3; 2015, No. 903, § 1.

**16-10-211. Record retention schedule.**

(a) All towns, cities, and counties of the State of Arkansas shall maintain records for the district courts and are to:

(1) Permanently maintain:

- (A) Case indices for all district courts;
- (B) Case dockets for all district courts;
- (C) Active warrants;
- (D) Waivers;
- (E) Expungement and sealed records;
- (F) Files concerning convictions under the Omnibus DWI or BWI Act, § 5-65-101 et seq.; and
- (G) Domestic battering files;

(2) Maintain for a period of at least seven (7) years and in no event dispose of before being audited:

- (A) Complete case files and written exhibits for all district courts, not including civil or small claims division cases in which the judgment is not satisfied;
- (B) Show cause orders;
- (C) Case information, including arrest reports and affidavits; and
- (D) Files concerning cases resulting in a suspended imposition of sentence; and

(3) Maintain for a period of at least three (3) years and in no event dispose of before being audited:

- (A) Bank reconciliations;
- (B) Check book registers and check listings;
- (C) Cancelled checks;
- (D) Bank statements;
- (E) Receipts;
- (F) Deposit collection records;
- (G) Receipts listings;
- (H) Distribution reports;
- (I) Receipt and disbursement journals;
- (J) Time payment records;
- (K) Citation book logs;
- (L) Citation books from each police department and sheriff's office;
- (M) Served, recalled, or quashed arrest warrants;
- (N) Copies of citations;
- (O) Alternative service or community service time sheets;
- (P) Uniform filing fees collection remittance forms and fine reports;
- (Q) Miscellaneous fee and fine collection reports; and
- (R) Served or unexecuted search warrants.

(b) After a town, city, or county has maintained records for the time periods required by subdivision (a)(2) or subdivision (a)(3) of this section and after the records described in subdivision (a)(2) or subdivision (a)(3) of this section have been audited, the records may be destroyed.



(c) When records are destroyed under subsection (b) of this section, the town, city, or county shall document the destruction by the following procedure:

(1) An affidavit is to be prepared stating:

(A) Which records are being destroyed and to which period of time the records apply; and

(B) The method of destruction; and

(2) The affidavit is to be signed by the town, city, or county employee performing the destruction and one (1) employee of the governing body or, if applicable, governing bodies that contribute to the expenses of the court.

(d) In addition to the procedure described in subsection (c) of this section, the approval of the governing body or, if applicable, governing bodies that contribute to the expenses of the court shall be obtained before the destruction of district court records and an appropriate note of the approval indicated in the minutes of the governing body or bodies along with the destruction affidavit.

**History.** Acts 2007, No. 627, § 3; 2009, No. 633, § 6; 2011, No. 1174, § 8; 2015, No. 299, § 17; 2015, No. 584, § 1.

## 16-10-212. [Repealed.]

**Publisher's Notes.** This section, concerning city courts, loss of authority and enforcement by legislative audit, was re-

pealed by Acts 2021, No. 475, § 4, effective July 28, 2021. The section was derived from Acts 2009, No. 488, § 1.

## SUBCHAPTER 3 — UNIFORM FILING FEES AND COURT COSTS

### SECTION.

16-10-305. Court costs.

16-10-306. Administration of Justice Funds Section.

16-10-307. County administration of justice fund.

16-10-308. City administration of justice fund.

### SECTION.

16-10-309. Failure to submit funds or reports.

16-10-310. State Administration of Justice Fund — Distribution of revenue.

16-10-312. [Repealed.]

16-10-315. [Repealed.]

**Effective Dates.** Acts 2013, No. 282, § 17: Mar. 6, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective

date of this act could cause irreparable harm upon the proper administration of essential governmental programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2013, No. 504, § 5: Mar. 26, 2013. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective date of this act could cause irreparable harm upon the proper administration of essential governmental programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2015, No. 268, § 16: July 1, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the act entitled ‘AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE OFFICIAL COURT REPORTERS AND TRIAL COURT ADMINISTRATORS OF THE CIRCUIT COURTS FOR THE FISCAL YEAR END-

ING JUNE 30, 2016; AND FOR OTHER PURPOSES.’ requires the passage of this act; that the effectiveness of this act on July 1, 2015, is essential to the operation of the Administrative Office of the Courts, and that in the event of an extension of the legislative session, the delay in the effective date of this act beyond July 1, 2015, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect on and after July 1, 2015.”

Acts 2015, No. 895, § 49: Apr. 1, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that prison overcrowding is one of the largest problems currently burdening the state both from a public safety and budgetary standpoint; that safe and effective measures are needed to immediately combat this problem; and that this act is immediately necessary because in the interests of public safety and the state budget the Department of Correction, Department of Community Correction, Department of Human Services, and the Parole Board should be allowed to immediately implement these new measures. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

## 16-10-305. Court costs.

(a) There shall be levied and collected the following court costs from each defendant upon each conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) In circuit court, one hundred fifty dollars (\$150) for a misdemeanor or felony violation of state law, excluding a violation of:

(A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;

(B) The Underage DUI or BUI Law, § 5-65-301 et seq.;



- (C) Section 5-75-101 et seq.;
- (D) Section 27-23-114;
- (E) Section 15-42-127; or
- (F) Section 27-37-701 et seq.;

(2) In district court, one hundred dollars (\$100) for an offense that is a misdemeanor or violation of state law, excluding a violation of:

- (A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI or BUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 27-23-114;
- (E) Section 15-42-127; or
- (F) Section 27-37-701 et seq.;

(3) In circuit court or district court, seventy-five dollars (\$75.00) for a traffic offense that is a misdemeanor or violation under state law or local ordinance, excluding a violation of:

- (A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI or BUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 27-23-114;
- (E) Section 15-42-127; or
- (F) Section 27-37-701 et seq.;

(4) In district court, for a nontraffic offense that is a misdemeanor or violation under local ordinance, twenty-five dollars (\$25.00);

(5) In circuit court or district court, three hundred dollars (\$300) for violations of:

- (A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI or BUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 27-23-114; or
- (E) Section 15-42-127;

(6)(A) In circuit court or district court, twenty-five dollars (\$25.00) for a violation of the mandatory seat belt use law, § 27-37-701 et seq.

(B) A defendant is not required to pay the court costs under subdivision (a)(6)(A) of this section if he or she pays the applicable fines under §§ 27-37-706 and 16-17-129 before his or her first appearance and shall not be assessed any additional court costs associated with the violation; and

(7) In circuit court or district court, twenty-five dollars (\$25.00) for failure to present proof of insurance at the time of a traffic stop, §§ 27-22-103, 27-22-104, and 27-22-111.

(b)(1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.

(2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.

(c) No county, city, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or

in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

(d) No town, city, or county shall authorize and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

(e) [Repealed.]

(f) [Repealed.]

(g) For each conviction for an offense under § 5-26-301 et seq., an additional court cost of twenty-five dollars (\$25.00) shall be assessed and remitted to the Administration of Justice Funds Section by the court clerk for deposit into the Domestic Peace Fund, § 19-6-491.

(h)(1) An additional court cost of twenty-five dollars (\$25.00) shall be assessed and remitted to the Administration of Justice Funds Section by the court clerk or designee under § 16-13-709(a) for deposit as special revenues into the Domestic Violence Shelter Fund if a person is convicted of a domestic abuse offense or is the respondent on a permanent order of protection entered by a court under the Domestic Abuse Act of 1991, § 9-15-101 et seq.

(2) When a convicted person is authorized to make installment payments under § 16-13-704, the court cost assessed under subdivision (h)(1) of this section shall be collected from the initial installment payment first.

(3) The court clerk or designee under § 16-13-709(a) shall disburse all court costs collected each month under subdivision (h)(1) of this section to the Administration of Justice Funds Section by the fifteenth working day of the following month.

**History.** Acts 1995, No. 1256, § 7; 1997, No. 788, § 4; 1997, No. 1341, § 4; 1999, No. 1081, §§ 3, 12; 1999, No. 1508, § 7; 2001, No. 1632, § 1; 2003, No. 1185, § 49; 2007, No. 663, § 25; 2011, No. 730, § 4; 2011, No. 1218, § 1; 2013, No. 282, § 4; 2013, No. 1107, § 12; 2013, No. 1357, § 1; 2015, No. 299, §§ 18-21; 2015, No. 895, § 16; 2017, No. 583, § 3; 2019, No. 113, § 1; 2019, No. 743, § 1; 2021, No. 475, § 5.

**A.C.R.C. Notes.** Acts 2015, No. 895, § 1, provided: "Legislative intent. It is the intent of the General Assembly to implement wide-ranging reforms to the criminal justice system in order to address prison overcrowding, promote seamless reentry into society, reduce medical costs incurred by the state and local governments, aid law enforcement agencies in

fighting crime and keeping the peace, and to enhance public safety."

**Amendments.** The 2017 amendment added (h).

The 2019 amendment by No. 113 inserted "or designee under § 16-13-709(a)" in (h)(1) and (h)(3); and substituted "is convicted of a domestic abuse offense" for "is a convicted perpetrator of domestic abuse" in (h)(1).

The 2019 amendment by No. 743 added (a)(1)(F), (a)(2)(F), and (a)(3)(F); deleted (a)(6) [Repealed.]; redesignated (a)(7) as (a)(6)(A) and (a)(7) and added (a)(6)(B); and added "In circuit court or district court, twenty-five dollars (\$25.00) for" in (a)(7).

The 2021 amendment repealed (e) and (f).



## CASE NOTES

**Cited:** City of Little Rock v. Nelson, 2020 Ark. 34, 592 S.W.3d 633 (2020); Hayes v. State, 2020 Ark. 297 (2020).

**16-10-306. Administration of Justice Funds Section.**

(a) There is created in the Department of Finance and Administration an Administration of Justice Funds Section.

(b) The court costs and filing fees enumerated in §§ 16-10-305, 16-17-705, and 21-6-403, which are assessed and collected in the district courts and circuit courts in this state, shall be remitted to the Administration of Justice Funds Section.

(c) The Administration of Justice Funds Section shall:

(1) Deposit the court costs and filing fees remitted under subsection (b) of this section into the State Administration of Justice Fund; and

(2) Keep an accurate account of all receipts by type of case and type and location of court from which the court costs and filing fees are submitted.

**History.** Acts 1995, No. 1256, § 9; 2003, No. 1185, § 50; 2007, No. 663, § 26; 2013, No. 282, § 5; 2013, No. 504, § 1.

**A.C.R.C. Notes.** Pursuant to § 1-2-207, the amendments to this section by Acts 2013, No. 282, § 5, are superseded by the amendments to this section by Acts 2013, No. 504, § 1. Acts 2013, No. 282, § 5, amended this section to read as follows:

“(a) There is created in the Department of Finance and Administration an Administration of Justice Funds Section, to which shall be remitted the court costs

and filing fees enumerated in §§ 21-6-403, 16-17-12 705, and 16-10-305, which are assessed and collected in the district courts and circuit courts in this state.

“(b) The section shall deposit the court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, and 16-10-305 into the State Administration of Justice Fund.

“(c) The section shall keep an accurate account of all receipts by type of case and type and location of court from which the court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, and 16-10-305 are submitted.”

**16-10-307. County administration of justice fund.**

(a) There is hereby created in each county a fund in the office of the county treasurer to be known as the “county administration of justice fund”.

(b) The county administration of justice fund shall be used to defray a part of the expenses of the administration of justice in the county. From the fund, the county shall continue to finance the following county agencies and programs which are currently funded, in whole or in part, by filing fees and court costs, at a funding level equal to not less than the greater of the amount which was collected by the county from filing fees and court costs for the agency or program in the calendar year ending December 31, 1994, or the amount appropriated by ordinance enacted prior to December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution dated February 9, 1995, to the agency or program for the calendar year ending December 31, 1995:

- (1) The prosecuting attorney fund, including all grant funds awarded and appropriated for the calendar year ending December 31, 1995;
- (2) The prosecuting attorney's victim-witness program fund;
- (3) The public defender/indigent defense fund and public defender investigator fund, including all grant funds awarded and appropriated for the calendar year ending December 31, 1995;
- (4) The county law library fund;
- (5) The county jail fund; and
- (6) The intoxication detection equipment fund.

(c)(1)(A) The county administration of justice fund of each county may retain an amount equal to the amount which was collected by the county from court costs and filing fees for county administration of justice expense in the calendar year ending December 31, 1994, or the amount appropriated from court costs and filing fees by ordinance enacted prior to December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution dated February 9, 1995, for county administration of justice expense from court costs and filing fees for the calendar year ending December 31, 1995, plus, for calendar years 1995 — 2001, an additional amount based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(B)(i) The amount retained during calendar years 2002, 2003, 2004, and 2005 shall be the amount retained during calendar year 2001.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, for calendar years beginning 2014 and each calendar year thereafter, an additional amount shall be added to the amount to be retained based upon the lesser of the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor, for the two (2) years immediately preceding or the percentage rate of increase in collections of the State Administration of Justice Fund for the two (2) years immediately preceding.

(iii) The provisions of subdivision (c)(1)(B)(ii) of this section shall not be effective if the Chief Fiscal Officer of the State determines that the additional amount retained under subdivision (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000) in a calendar year and any additional amount to be retained must be authorized by the General Assembly.

(C) All local ordinances of the counties and cities authorized and adopted under § 24-8-318 shall remain in full force and effect.

(2) For the calendar year beginning January 1, 1998, the base amount to be retained shall be:

(A) Increased by any increase in the Consumer Price Index for All Urban Consumers as provided for in subdivision (c)(1) of this section; and

(B) Decreased by eighty-five percent (85%) of the total dollar amount which was certified by the county as having been collected



during calendar year 1994 and for the purpose of funding the office and operation of the public defender and public defender investigator.

(d) Nothing in this section shall prevent the county from funding any additional costs for the administration of justice from these or other county funds.

(e) The county shall remit on or before the fifteenth day of each month all sums received in excess of the amounts necessary to fund the expenses enumerated in subsections (b) and (c) of this section during the previous month from the uniform filing fees provided for in §§ 21-6-403 and 9-15-202, and the uniform court costs provided for in § 16-10-305 to the Administration of Justice Funds Section for deposit into the State Administration of Justice Fund.

**History.** Acts 1995, No. 1256, §§ 10, No. 1611, § 1; 2003, No. 1185, § 51; 2005, 12; 1995 (1st Ex. Sess.), No. 13, § 7; 1997, No. 434, § 1; 2005, No. 2212, § 1; 2007, No. 788, § 6; 1997, No. 1341, § 6; 2001, No. 177, § 2; 2013, No. 282, §§ 6, 7.

### **16-10-308. City administration of justice fund.**

(a)(1) There is hereby created in each town or city which operates a district court a fund in the office of the city treasurer to be known as the "city administration of justice fund".

(2)(A) A town or city operating a city court that becomes a department of district court shall continue to maintain the city administration of justice fund as originally established by this section.

(B) The city administration of justice fund of any town or city shall cease to exist on and after the effective date of the ordinance that abolishes the department of district court for that town or city pursuant to state law.

(b) The city administration of justice fund shall be used to defray a part of the expense of the administration of justice in the town or city. From the fund, the town or city shall continue to finance the following town or city agencies and programs which are currently funded, in whole or in part, by filing fees and court costs, at a funding level equal to not less than the greater of the amount which was collected by the town or city from court costs and filing fees for the agency or program in the calendar year ending December 31, 1994, or the amount appropriated by ordinance enacted prior to December 31, 1994, to the agency or program for the calendar year ending December 31, 1995:

(1) The municipal court judge and clerk retirement fund for disbursement as otherwise provided by law;

(2) The police and fire pension fund;

(3) The intoxication detection equipment fund;

(4) All municipal-level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the district court, notwithstanding the repeal by this act of laws authorizing the collection of court costs and filing fees; and

(5) All county-level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the district court,

notwithstanding the repeal by this act of laws authorizing the collection of court costs and filing fees and the disbursement of all or a part thereof to the county.

(c)(1)(A) The city administration of justice fund of each town or city may retain an amount equal to the amount which was collected by the town or city from court costs and filing fees for city administration of justice expense in the calendar year ending December 31, 1994, or the amount appropriated from court costs and filing fees by ordinance enacted prior to December 31, 1994, for city or county administration of justice expense from court costs and filing fees for the calendar year ending December 31, 1995, plus, for calendar years 1995-2001, an additional amount based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(B)(i) The amount retained during calendar years 2002, 2003, 2004, and 2005 shall be the amount retained during calendar year 2001.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, for calendar years beginning 2014 and each calendar year thereafter, an additional amount shall be added to the amount to be retained based upon the lesser of the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor, for the two (2) years immediately preceding or the percentage rate of increase in collections of the State Administration of Justice Fund for the two (2) years immediately preceding.

(iii) The provisions of subdivision (c)(1)(B)(ii) of this section shall not be effective if the Chief Fiscal Officer of the State determines that the additional amount retained under subdivision (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000) in a calendar year, and any additional amount to be retained must be authorized by the General Assembly.

(C) All local ordinances of the counties and cities authorized and adopted under § 24-8-318 shall remain in full force and effect.

(2) For the calendar year beginning January 1, 1998, the base amount to be retained shall be:

(A) Increased by any increase in the Consumer Price Index for All Urban Consumers as provided for in subdivision (c)(1) of this section; and

(B) Decreased by eighty-five percent (85%) of the total dollar amount which was certified by the town or city as having been collected during calendar year 1994 for the purpose of funding the office and operation of the public defender and public defender investigator.

(d) Nothing in this act shall prevent the town or city from funding any additional costs for the administration of justice from other town or city funds.



(e) The town or city shall remit, on or before the fifteenth day of each month, all sums received in excess of the amounts necessary to fund the expenses enumerated in subsections (b) and (c) of this section during the previous month from the uniform filing fees provided for in § 16-17-705 and the uniform court costs provided for in § 16-10-305 to the Administration of Justice Funds Section for deposit into the State Administration of Justice Fund.

**History.** Acts 1995, No. 1256, §§ 11, 13; §§ 52, 53; 2005, No. 1934, § 4; 2005, No. 1997, No. 788, § 8; 1997, No. 1341, § 8; 2212, § 2; 2007, No. 177, § 3; 2007, No. 2001, No. 1611, § 2; 2003, No. 1185, 663, § 27; 2013, No. 282, § 8.

### **16-10-309. Failure to submit funds or reports.**

(a) In the event a town, city, or county fails to timely or adequately submit funds and reports required by § 16-10-306, § 16-10-307(e), § 16-10-308(e), or other state law requiring a town, city, or county to submit funds and reports to the Administration of Justice Funds Section:

(1)(A)(i) The Attorney General may file a civil suit in circuit court against the town, city, or county alleged to have failed to submit the funds.

(ii) If the town, city, or county is found by the court to have failed to submit the funds and reports, the court shall impose a civil penalty on the town, city, or county of ten percent (10%) of the amount required to be remitted for the period of time the town, city, or county has failed to be in compliance.

(iii) The action may be brought in the circuit court of the subject county or the Pulaski County Circuit Court.

(iv) The Attorney General shall be allowed to recover costs and attorney's fees associated with the civil suit from the town, city, or county found to have failed to be in compliance.

(B) The Chief Fiscal Officer of the State, upon a finding that the town, city, or county has failed to submit the funds and reports, may withhold from month to month an equal amount from the town's, city's, or county's share of the state turnback funds owed to the town, city, or county until the funds required to be paid have been submitted; and

(2)(A) Provided that the failure to act continues for a period of sixty (60) days, the state, upon a finding by the Chief Fiscal Officer of the State, may require the town, city, or county to remit all costs, fees, or other funds, however designated under subdivision (a)(1) of this section.

(B) The town, city, or county will thereafter receive its share of these funds at a time and in the manner prescribed by rules of the Chief Fiscal Officer of the State.

(b)(1) All funds received under § 16-10-306, § 16-10-307(e), or § 16-10-308(e) shall be transferred to the State Administration of Justice Fund to be held and distributed under this subchapter.

(2) All other funds received shall be transferred to the appropriate state fund as provided by law.

**History.** Acts 1995, No. 1256, § 14; 2005, No. 1934, § 5; 2007, No. 133, § 1; 2009, No. 166, § 1; 2019, No. 315, § 1292. **Amendments.** The 2019 amendment substituted “rules” for “regulations” in (a)(2)(B).

### **16-10-310. State Administration of Justice Fund — Distribution of revenue.**

(a) At the close of books on or before the twentieth working day of each month, the Department of Finance and Administration shall distribute revenue credited to the State Administration of Justice Fund and received for the previous month as provided in this section.

(b) The revenue described in subsection (a) of this section shall be distributed to the following state programs and state agencies in monthly installments of at least one-twelfth ( $\frac{1}{12}$ ) of the annual allocation provided for each state program or state agency from the State Administration of Justice Fund subject to the limitations stated in this section:

(1) The Board of Trustees of the University of Arkansas for the purpose of and as regulated by §§ 6-64-604 — 6-64-606;

(2) The Public Health Fund and the Drug Abuse Prevention and Treatment Fund for use in the drug abuse prevention and treatment program of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services;

(3) The Division of Arkansas State Police for the State Police Retirement Fund;

(4) The Crime Victims Reparations Revolving Fund for the purpose of and as regulated by the Arkansas Crime Victims Reparations Act, § 16-90-701 et seq.;

(5) The Prosecutor Coordinator’s office for deposit into the Law Enforcement and Prosecutor Drug Enforcement Training Fund;

(6) The Crime Information System Fund;

(7) The Justice Building Construction Fund;

(8) The District Court Judge and District Court Clerk Education Fund;

(9) The Judges Retirement Fund;

(10) The State Central Services Fund for the benefit of the Arkansas Public Defender Commission;

(11) The Court Reporter’s Fund;

(12) The Justice Building Fund;

(13) The Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund;

(14) The Administrative Office of the Courts to fund the Trial Court Administrator Fund;

(15) The Division of Arkansas State Police Fund;

(16) The State Central Services Fund for the benefit of the Division of Dependency-Neglect Representation of the Administrative Office of the Courts;



(17) The Miscellaneous Agencies Fund Account for the benefit of the State Crime Laboratory;

(18) The Arkansas District Judges Council, Inc., for the Executive Director of the Arkansas District Judges Council, Inc.;

(19) The Public Legal Aid Fund;

(20) The Administrative Office of the Courts for county reimbursements for jurors; and

(21) The Administrative Office of the Courts to reimburse the State Central Services Fund for the Drug Court Coordinator.

(c) If the Chief Fiscal Officer of the State determines that the State Administration of Justice Fund balance and estimated revenue to be received by the State Administration of Justice Fund are inadequate to fully fund all authorized monthly allocations from the State Administration of Justice Fund:

(1)(A) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly allocation for:

(i) The Court Reporter's Fund;

(ii) The Arkansas District Judges Council, Inc., for the Executive Director of the Arkansas District Judges Council, Inc.; and

(iii) The Administrative Office of the Courts to fund the Trial Court Administrator Fund.

(B) Funds or allocations for a state program or state agency listed in subdivision (c)(1)(A) of this section shall not be affected if a deficit occurs in other State Administration of Justice Fund appropriations, allocations, or funds not listed in subdivision (c)(1)(A) of this section for that particular state program or state agency;

(2) The Chief Fiscal Officer of the State shall notify the disbursing officer of each state agency and state program not listed in subdivision (c)(1)(A) of this section of the amount of the state agency's or state program's portion of any reduction required from the state agency's or state program's authorized allocation in order to maintain the State Administration of Justice Fund with a projected positive balance; and

(3)(A) The total funds remaining in the State Administration of Justice Fund after the distribution is made under subdivision (c)(1)(A) of this section shall be distributed to the state programs and state agencies not listed in subdivision (c)(1)(A) of this section in an amount equal to the proportion of the State Administration of Justice Fund that each state program would have received under subsection (b) of this section.

(B) A funding shortage from one (1) month shall be recouped from future months' payments as funds become available.

(d)(1) If required to help meet the commitments of the State Administration of Justice Fund and if funds are determined to be available, the Chief Fiscal Officer of the State may transfer a sum not to exceed four million dollars (\$4,000,000) during any fiscal year from the Budget Stabilization Trust Fund to the State Administration of Justice Fund.

(2) As determined by the Chief Fiscal Officer of the State, if a positive fund balance remains in the State Administration of Justice Fund at

the end of a fiscal year, the Chief Fiscal Officer of the State may transfer the positive fund balance from the State Administration of Justice Fund to the Budget Stabilization Trust Fund to reimburse for any transfers made under subdivision (d)(1) of this section.

**History.** Acts 1995, No. 1256, § 15; 1995 (1st Ex. Sess.), No. 13, § 2; 1997, No. 788, § 10; 1997, No. 1341, § 10; 2003, No. 1185, § 54; 2009, No. 166, § 2; 2011, No. 1132, § 3; 2013, No. 504, § 2; 2013, No. 1107, § 13; 2015, No. 268, §§ 1, 2; 2017, No. 913, § 40.

**A.C.R.C. Notes.** The language removed in former (b)(3) relating to the Highway Safety Special Fund was only in reference

to the previously repealed special revenue fund by that name and in no way alters the distribution to the miscellaneous fund by that name.

**Amendments.** The 2017 amendment substituted “Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services” for “Division of Behavioral Health Services” in (b)(2).

16-10-312. [Repealed.]

**Publisher’s Notes.** This section, concerning the distribution of the State Administration of Justice Fund, was re-

pealed by Acts 2013, No. 504, § 3. The section was derived from Acts 1997, No. 855, § 8.

16-10-315. [Repealed.]

**Publisher’s Notes.** This section, concerning city courts, loss of authority and enforcement by the Department of Finance and Administration, was repealed

by Acts 2021, No. 475, § 6, effective July 28, 2021. The section was derived from Acts 2009, No. 488, § 2.

SUBCHAPTER 4 — JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

SECTION.	SECTION.
16-10-404. Duties — Records.	16-10-409. Mandatory suspension.
16-10-408. Suspension with pay.	16-10-410. Removal from office.

16-10-404. Duties — Records.

- (a) The Judicial Discipline and Disability Commission shall initiate or shall receive information, conduct investigations and hearings, and make recommendations to the Supreme Court concerning:
- (1) Allegations of judicial misconduct;
  - (2) Allegations of physical or mental disability of judges requiring leave or involuntary retirement; and
  - (3) Matters of voluntary retirement or leave for disability.
- (b)(1) Investigatory records, files, and reports of the Judicial Discipline and Disability Commission are confidential, and no disclosure of information, written, recorded, or oral, received or developed by the Judicial Discipline and Disability Commission in the course of an investigation related to alleged misconduct or disability of a judge shall be made except as follows:
- (A) Upon waiver in writing by the judge at any stage of the proceedings;



(B) Upon inquiry by an appointing authority or by a state or federal agency conducting investigations on behalf of such authority in connection with the selection or appointment of judges;

(C) In cases in which the subject matter or the fact of the filing of charges has become public, if deemed appropriate by the Judicial Discipline and Disability Commission, it may issue a statement in order to confirm the pendency of the investigation, to clarify the procedural aspects of the proceedings, to explain the right of the judge to a fair hearing, and to state that the judge denies the allegations;

(D) Upon inquiry in connection with the assignment or recall of a retired judge to judicial duties, by or on behalf of the assigning authority;

(E) Upon the Judicial Discipline and Disability Commission's taking final action with respect to a complaint about a judge, notice of the final action shall become public information;

(F) Where the circumstances necessitating the initiation of an inquiry include notoriety, or where the conduct in question is a matter of public record, information concerning the lack of cause to proceed shall be released by the Judicial Discipline and Disability Commission;

(G) If, during the course of or after an investigation or hearing, the Judicial Discipline and Disability Commission reasonably believes that there may have been a violation of any rules of professional conduct of attorneys at law, the Judicial Discipline and Disability Commission may release such information to any committee, commission, agency, or body within or outside of the state empowered to investigate, regulate, or adjudicate matters incident to the legal profession;

(H) If, during the course of or after an investigation or hearing, the Judicial Discipline and Disability Commission reasonably believes that there may have been a violation of a law or rule falling under the jurisdiction of the Arkansas Ethics Commission, the Judicial Discipline and Disability Commission may release such information to the Arkansas Ethics Commission; or

(I) If, during the course of or after an investigation or hearing, the Judicial Discipline and Disability Commission reasonably believes that there may have been a violation of criminal law, the Judicial Discipline and Disability Commission shall release such information to the appropriate prosecuting attorney.

(2) All proceedings held prior to a determination of probable cause and the filing of formal charges shall be confidential. Any hearing scheduled after the filing of formal charges shall be open to the press and to the public, except that following the completion of the introduction of all evidence, the Judicial Discipline and Disability Commission may convene to executive session for the purpose of deliberating its final conclusions and recommendations, provided that, upon completion of the executive session, the final action of the Judicial Discipline and

Disability Commission shall be announced in an open and public session.

(3) The Judicial Discipline and Disability Commission is authorized to request the appropriate prosecuting authorities to seek to obtain immunity from criminal prosecution for a reluctant witness using the procedure outlined in § 16-43-601 et seq.

**History.** Acts 1989, No. 637, § 2; 1993, No. 1078, § 1; 2013, No. 1115, § 2; 2015, No. 1152, § 1.

### CASE NOTES

#### Review.

Circuit court properly dismissed an individual's complaint for declaratory judgment, injunctive relief, and mandamus against the Judicial Discipline and Disability Commission, stemming from the Commission's decision not to file formal charges against a judge, because the circuit court properly concluded that it lacked subject-matter jurisdiction. Review of the Commission's decisions lies exclusively with the Supreme Court of Arkansas. Since the circuit court lacked subject-

matter jurisdiction, appellate jurisdiction was lacking. *Perroni v. Sachar*, 2017 Ark. 59, 513 S.W.3d 239 (2017).

Pursuant to Ark. Const. Amend. 66, as well as §§ 16-10-401 through 16-10-411 and the Rules of Procedure of the Judicial Discipline and Disability Commission, a review of the Judicial Discipline and Disability Commission's decision lies exclusively with the Supreme Court of Arkansas. *Perroni v. Sachar*, 2017 Ark. 59, 513 S.W.3d 239 (2017).

#### 16-10-408. Suspension with pay.

A judge may be suspended by the Supreme Court with pay:

(1) While a recommendation to the Supreme Court by the Judicial Discipline and Disability Commission for his or her removal or involuntary disability retirement is pending; or

(2) When articles of impeachment have been voted by the House of Representatives.

**History.** Acts 1989, No. 637, § 4; 2015, No. 938, § 1.

#### 16-10-409. Mandatory suspension.

(a)(1) A judge shall be suspended from office with pay by the Supreme Court if:

(A) An indictment or information charges the judge in any court in the United States with a crime punishable as a felony under the laws of Arkansas or the United States or with any other offense that involves moral turpitude; or

(B) In any court in the United States he or she pleads guilty or no contest to, or is found guilty of, an offense punishable as a felony under the laws of Arkansas or the United States or any other offense that involves moral turpitude.

(2)(A) If the judge requests a hearing on a suspension under subdivision (a)(1) of this section, the Supreme Court shall:



(i) Hold the hearing no later than ten (10) days after the request to determine whether the suspension with pay remains in effect during the pendency of criminal proceedings against the judge; and

(ii) Notify the requesting judge and the Judicial Discipline and Disability Commission of the date of the hearing.

(B) In the hearing under this subdivision (a)(2) the Judicial Discipline and Disability Commission shall act as the opposing party of the requesting judge.

(C) The suspension with pay under subdivision (a)(1)(A) of this section shall be removed and the judge shall be allowed to perform his or her duties as a judge if the judge shows at the hearing by a preponderance of the evidence that:

(i) The performance of his or her duties as a judge while charges are pending will not impair the public confidence in the independence, integrity, and impartiality of the judiciary; and

(ii) The charges are not likely to result in a conviction.

(b) If his or her conviction becomes final, he or she may be removed from office pursuant to § 16-10-410.

(c)(1) If his or her conviction is reversed and he or she is cleared of the charge, by order of the court, whether without further trial or after further trial and a finding of not guilty, his or her suspension terminates.

(2) If the judge is suspended under subdivision (a)(1)(A) of this section and the charge is subsequently dismissed, the judge's suspension terminates.

(d) Nothing in this section shall prevent the Judicial Discipline and Disability Commission from determining that a judge be disciplined or removed according to § 16-10-410.

**History.** Acts 1989, No. 637, § 5; 2015, No. 938, § 2.

### **16-10-410. Removal from office.**

(a) The grounds for removal conferred by this subchapter shall be both alternative and cumulative to the power of impeachment provided by the Arkansas Constitution and removal otherwise provided by law.

(b) A judge may be removed from office on any of the following grounds:

(1) Conviction of any offense punishable as a felony under the laws of Arkansas or the United States;

(2) Conviction of a criminal act that reflects adversely on the judge's honesty, trustworthiness, or fitness as a judge in other respects;

(3) The commission of conduct involving dishonesty, fraud, deceit, or misrepresentation;

(4) The commission of conduct that is prejudicial to the administration of justice;

(5) Willful violation of the Arkansas Code of Judicial Conduct or the Model Rules of Professional Conduct;

- (6) Willful and persistent failure to perform the duties of office; or
- (7) Habitual intemperance in the use of alcohol or other drugs.

(c) In considering recommending removal, the Judicial Discipline and Disability Commission may consider the frequency of the offense, the motivation of the conduct, the length of time since the conduct in question, and similar factors.

(d) [Repealed.]

**History.** Acts 1989, No. 637, § 6; 1995, No. 1296, § 58; 2001, No. 5, § 1; 2015, No. 939, § 2.

**A.C.R.C. Notes.** Acts 2015, No. 939, § 1, provided: “Legislative Intent. The in-

tent of this act is to repeal § 16-10-410(d) as the Supreme Court has held this provision unconstitutional under *Proctor v. Daniels*, 2010 Ark. 206 (2010).”

### CASE NOTES

#### Constitutionality.

In a judge’s declaratory action, this section was held unconstitutional, as it added a qualification to the office of circuit judge,

encroaching on the power of the judiciary to interpret the law. *Proctor v. Daniels*, 2010 Ark. 206, 392 S.W.3d 360 (2010).

## SUBCHAPTER 7 — ADDITIONAL FILING FEES AND COURT COSTS

### SECTION.

16-10-701. Additional fees for specialty court programs — Definitions.

**Effective Dates.** Acts 2015, No. 895, § 49: Apr. 1, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that prison overcrowding is one of the largest problems currently burdening the state both from a public safety and budgetary standpoint; that safe and effective measures are needed to immediately combat this problem; and that this act is immediately necessary because in the interests of public safety and the state budget the Department of Correction, Department of Community Correction, Department of Human Services, and the

Parole Board should be allowed to immediately implement these new measures. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

### 16-10-701. Additional fees for specialty court programs — Definitions.

- (a) As used in this section:
- (1) “Pre-adjudication” means the period of time after:



(A) The prosecuting attorney files a criminal information or an indictment is filed in circuit court;

(B) The person named in the criminal information or indictment is arraigned on the charge in circuit court; and

(C) The person enters a specialty court program without a guilty plea or the person enters a plea of guilty but before the circuit court enters a judgment and pronounces a sentence against the person; and

(2) "Specialty court program" means:

(A) A pre-adjudication program under § 5-4-901 et seq.;

(B) An approved drug court program under the Arkansas Drug Court Act, § 16-98-301 et seq.;

(C) A Swift and Certain Accountability on Probation Pilot Program under § 16-93-1701 et seq.; and

(D) Any other specialty court program that has been approved by the Supreme Court, including without limitation specialty court programs known as:

(i) A DWI court;

(ii) A mental health court;

(iii) A veteran's court;

(iv) A juvenile drug court;

(v) A "HOPE" court;

(vi) A "smarter sentencing" court; and

(vii) A mental health crisis intervention center.

(b) In addition to any other court cost or court fee provided by law:

(1) A specialty court program user fee of up to two hundred fifty dollars (\$250) shall be assessed on any participant in a specialty court program and remitted to the Administration of Justice Funds Section by the court clerk for deposit into the State Treasury as special revenues credited to the Specialty Court Program Fund; and

(2) A specialty court program public defender user fee not to exceed two hundred fifty dollars (\$250) may be assessed by the court for a defendant who participates in a specialty court program designed for preadjudication purposes and who is appointed representation by a public defender and remitted to the Administration of Justice Funds Section by the court clerk for deposit into the State Treasury to the credit of the Public Defender User Fees Fund within the State Central Services Fund.

(c) A district court or circuit court may not assess and collect a fee under this section if the district court or circuit court is operating a specialty court program that has not been previously approved by or no longer meets the approval criteria of the Supreme Court.

**History.** Acts 2015, No. 895, § 17.

**A.C.R.C. Notes.** Acts 2015, No. 895, § 1, provided: "Legislative intent. It is the intent of the General Assembly to implement wide-ranging reforms to the criminal justice system in order to address

prison overcrowding, promote seamless reentry into society, reduce medical costs incurred by the state and local governments, aid law enforcement agencies in fighting crime and keeping the peace, and to enhance public safety."

**Publisher's Notes.** For the history of the prior version of this section, please see the bound volume.

## SUBCHAPTER 8 — SUBSTITUTE TRIAL COURT ADMINISTRATORS

### SECTION.

16-10-801. Temporary employment authorized.

16-10-802. Information provided to Administrative Office of the Courts.

### SECTION.

16-10-803. Payment.

16-10-804. Extended employment periods.

16-10-805. Employment of county staff.

**Publisher's Notes.** Acts 2015, No. 268, § 3, substituted "Administrators" for "Staff Persons" in the subchapter heading.

**Effective Dates.** Acts 2015, No. 268, § 16: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the act entitled 'AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE OFFICIAL COURT REPORTERS AND TRIAL COURT ADMINISTRATORS OF

THE CIRCUIT COURTS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND FOR OTHER PURPOSES.' requires the passage of this act; that the effectiveness of this act on July 1, 2015, is essential to the operation of the Administrative Office of the Courts, and that in the event of an extension of the legislative session, the delay in the effective date of this act beyond July 1, 2015, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect on and after July 1, 2015."

### 16-10-801. Temporary employment authorized.

As authorized by § 16-13-3302, in the absence or unavailability of the trial court administrator the circuit judge may temporarily employ the services of a substitute trial court administrator if the temporary employment is essential to prevent a disruption of the business of the court.

**History.** Acts 1999, No. 393, § 1; 2015, No. 268, § 3.

### 16-10-802. Information provided to Administrative Office of the Courts.

(a) When a circuit judge temporarily employs a substitute trial court administrator, the circuit judge may certify to the Administrative Office of the Courts upon forms prepared by the office that he or she has temporarily employed a substitute trial court administrator and that the temporary employment was essential to prevent a disruption of the business of his or her court.



(b) The circuit judge shall further furnish to the office the name, address, and Social Security number of the substitute trial court administrator and the number of days the substitute trial court administrator was or will be temporarily employed, plus any other information concerning the employment requested by the office.

**History.** Acts 1999, No. 393, § 2; 2015, No. 268, § 3.

### **16-10-803. Payment.**

(a) The Administrative Office of the Courts may pay from funds specifically appropriated for this purpose a substitute trial court administrator for the services furnished to the circuit judge under this subchapter.

(b) The substitute trial court administrator shall be paid at the rate of one hundred twenty-five dollars (\$125) per day.

**History.** Acts 1999, No. 393, § 3; 2001, No. 509, § 1; 2005, No. 461, § 1; 2015, No. 268, § 3.

### **16-10-804. Extended employment periods.**

(a) If a substitute trial court administrator is employed for a period that extends beyond the normal payroll period for the position, the Administrative Office of the Courts shall make an interim disbursement of the salary that has accrued during that period.

(b) In any one (1) fiscal year, however, the office shall not pay for the services of a substitute trial court administrator for any one (1) circuit judge in excess of thirty (30) working days unless approved and ordered by the Chief Justice of the Supreme Court.

**History.** Acts 1999, No. 393, § 4; 2015, No. 268, § 3.

### **16-10-805. Employment of county staff.**

This chapter does not preclude or prohibit any circuit judge from obtaining payment for the services of a substitute trial court administrator from the county or counties composing the circuit judge's judicial district rather than from the Administrative Office of the Courts.

**History.** Acts 1999, No. 393, § 5; 2015, No. 268, § 3.

## **SUBCHAPTER 9 — COMPENSATION FOR RETIRED JUDGES APPOINTED TO TEMPORARY SERVICE**

#### **SECTION.**

16-10-901. Retired judges — Definition.

#### **SECTION.**

16-10-902. Amount of compensation.

## SECTION.

16-10-904. Mileage and expenses.

16-10-905. Amount of per diem compensation.

**16-10-901. Retired judges — Definition.**

As used in this subchapter, “retired judge” means a former:

(1) Circuit court judge, chancery court judge, circuit-chancery court judge, Court of Appeals judge, or Supreme Court justice, receiving benefits under the Arkansas Judicial Retirement System; and

(2) Municipal court judge or district court judge, receiving benefits under the Arkansas Public Employees’ Retirement System.

**History.** Acts 1999, No. 390, § 1; 2021, added the (1) designation; in (1), added No. 818, § 2. “Circuit court” and inserted “court” twice;

**Amendments.** The 2021 amendment added (2); and made stylistic changes.

**16-10-902. Amount of compensation.**

(a) A retired judge appointed by the Chief Justice of the Supreme Court as a special judge under Arkansas Constitution, Amendment 80, and the rules prescribed by the Supreme Court shall receive compensation, in addition to his or her retirement benefits, at one-half (½) the rate as fixed by law for a regularly elected:

(1) Circuit court judge, if the retired judge served at any time as a circuit court judge; or

(2) District court judge, if the retired judge served only as a district court judge.

(b) The compensation paid under subsection (a) of this section shall be paid from the appropriation provided to the Auditor of State for special and recalled judges for the circuit or district courts.

**History.** Acts 1999, No. 390, § 2; 2001, No. 1071, § 1; 2003, No. 1185, § 64; 2011, No. 274, § 3; 2021, No. 818, § 3.

**A.C.R.C. Notes.** Acts 2011, No. 274, § 1, provided: “Legislative intent.

“(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

“(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

“(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification.”

**Amendments.** The 2021 amendment deleted “circuit court” following “regularly elected” in (a); added (a)(1) and (2); and, in (b), inserted “paid under subsection (a) of this section” and “or district”.

**16-10-904. Mileage and expenses.**

In addition to the per diem compensation provided by this subchapter, a special judge serving under Arkansas Constitution, Amendment 80, shall receive expenses and mileage reimbursement from the appro-



priation provided to the Auditor of State for special and recalled judges for the circuit courts and district courts at the rate prescribed in § 16-10-119.

**History.** Acts 1999, No. 390, § 4; 2001, No. 1071, § 2; 2011, No. 274, § 4; 2021, No. 818, § 4.

**A.C.R.C. Notes.** Acts 2011, No. 274, § 1, provided: “Legislative intent.

“(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

“(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

“(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification.”

**Amendments.** The 2021 amendment inserted “and district courts” and deleted “as” preceding “prescribed”.

### 16-10-905. Amount of per diem compensation.

(a) Per diem compensation prescribed in § 16-10-902 shall be for each day or portion of a day the judge serves on the bench.

(b) For each day or portion of a day that a special judge appointed under Arkansas Constitution, Amendment 80, performs his or her judicial duties other than on the bench, the judge shall receive compensation as prescribed by rules adopted by the Supreme Court.

**History.** Acts 1999, No. 390, § 5; 2011, No. 274, § 5.

**A.C.R.C. Notes.** Acts 2011, No. 274, § 1, provided: “Legislative intent.

“(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a

temporary appointment, under rules prescribed by the Supreme Court.

“(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

“(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification.”

## SUBCHAPTER 10 — ARKANSAS COURT SECURITY ACT

### SECTION.

16-10-1004. Court security officers — Definition.

### SECTION.

16-10-1006. Court security grant program.

### 16-10-1004. Court security officers — Definition.

(a)(1) There is established a training and certification program for court security officers.

(2) As used in this section, “court security officer” means an individual who is assigned the duty of providing security or security-related services at the request of an appellate court, circuit court, or district court in this state.

(3)(A) A court security officer may be employed directly by an appellate court, circuit court, district court, or a law enforcement agency of this state or a city or county in this state.

(B) A court security officer may provide services to a court on either a full-time or part-time basis.

(b) The duties of a court security officer may include:

(1) The attendance in court when court is in session;

(2) The supervision and maintenance of order in a courtroom or courthouse;

(3) Providing security for individuals involved in court proceedings; and

(4) Other incidental and related duties at the direction of a court.

(c) In order to be eligible to provide services in an appellate court, circuit court, or district court in this state, a court security officer shall:

(1)(A) Be certified as a law enforcement officer by the Arkansas Commission on Law Enforcement Standards and Training under the laws and rules of this state.

(B) A court security officer shall complete the law enforcement certification requirement within one (1) year of beginning his or her term of service as a court security officer.

(C) A court security officer shall maintain the law enforcement certification during the term of his or her service as a court security officer; and

(2)(A) Complete an additional training program for court security officers approved by the commission.

(B) A court security officer shall complete the additional training program for court security officers within one (1) year of beginning his or her term of service as a court security officer.

(d) A court or law enforcement agency employing a court security officer shall:

(1) Ensure that a court security officer meets or attains the certification required under subdivisions (c)(1)(B) and (c)(2)(B) of this section; and

(2) Require submission of and maintain records for the documentation of the court security officer's certification as a law enforcement officer and of the court security officer's completion of the additional training program for court security officers.

(e)(1) Subject to the certification requirements of the commission, the officers of the Supreme Court police may offer and provide training for court security officers as required by this section.

(2) In addition to the general powers of a specialized law enforcement officer, Supreme Court police officers may, in the course of their official duties, provide security for members of the Supreme Court or the Court of Appeals when either court shall convene for the purpose of considering oral arguments or conferencing in any location within the State of Arkansas, including the authority to act as a peace officer to arrest, with or without warrant, any person within the boundaries of the State of Arkansas who is or is reasonably believed to be committing an offense



against any laws of the State of Arkansas or against the ordinances of the city in which the Supreme Court or Court of Appeals is convened, and to deliver the person before any court of competent jurisdiction to be dealt with according to law.

**History.** Acts 2007, No. 576, § 1; 2009, No. 236, § 1; 2011, No. 1132, § 4; 2019, No. 315, § 1293. **Amendments.** The 2019 amendment substituted “rules” for “regulations” in (c)(1)(A).

**16-10-1006. Court security grant program.**

- (a) The Administrative Office of the Courts shall administer a court security grant program for the purpose of providing financial assistance from funds specifically appropriated for that purpose to city and county governments to assist in the implementation of local security and emergency preparedness plans for circuit courts and district courts.
- (b)(1) Guidelines for the court security grant program shall be developed by the Administrative Office of the Courts by December 31, 2007, and shall be approved by the Legislative Council prior to the disbursement of any grant funds.
- (2) On July 31 of every year, the Administrative Office of the Courts shall provide an annual report to the Legislative Council that shall include the number of grant requests received from cities and counties and the number and amount of grants approved.

**History.** Acts 2007, No. 576, § 1; 2021, No. 475, § 7. **Amendments.** The 2021 amendment substituted “On July 31” for “Beginning July 31, 2008, and on July 31” in (b)(2).

**SUBCHAPTER 11 — COURT INTERPRETERS**

SECTION.	SECTION.
16-10-1101. Purpose.	16-10-1105. Interpreter oath.
16-10-1102. Definitions.	16-10-1106. Replacement of interpreter.
16-10-1103. Court interpreter for persons with limited English proficiency.	16-10-1107. Confidential communications in presence of interpreter.
16-10-1104. Appointment of interpreter.	16-10-1108. Compensation of interpreter.

**16-10-1101. Purpose.**

- (a) The State of Arkansas requires that court proceedings be conducted in the English language under § 16-10-107.
- (b) Recognizing that a person with limited English proficiency cannot fully participate in the legal process and exercise the rights afforded to him or her, a court shall appoint a qualified interpreter to assist a person with limited English proficiency in a court proceeding.

**History.** Acts 2013, No. 237, § 1.

**16-10-1102. Definitions.**

As used in this subchapter:

(1) "Interpret" means to convey spoken English in a manner understood by a person who has limited English proficiency by using American Sign Language and transliteration, Communication Access Realtime Translation (CART) services or similar procedures, or a language in which the person is fluent, and to convey the communication made by that person into spoken English; and

(2) "Limited English proficiency" means either:

(A) The inability of a person to adequately understand or communicate effectively in English in a court proceeding because the person has not developed fluency in English; or

(B) The inability of a person to adequately hear, understand, or communicate effectively in English in a court proceeding due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability.

**History.** Acts 2013, No. 237, § 1.

**16-10-1103. Court interpreter for persons with limited English proficiency.**

(a) A person with limited English proficiency who is a party to or a witness in a court proceeding is entitled to a qualified interpreter to interpret for the person throughout the court proceeding.

(b)(1) The Supreme Court shall administer an interpreter program to appoint and use interpreters in court proceedings and to ensure interpreter certification, continued proficiency, and discipline.

(2) Staff and administrative support required by the Supreme Court relating to the program shall be provided by the Administrative Office of the Courts, and the program may include:

(A) Establishing and administering a comprehensive testing and certification program for foreign language interpreters;

(B) Establishing and adopting standards concerning written and verbal proficiency in English and the foreign language to be interpreted;

(C) Establishing and adopting recognized standards for interpreters for the Deaf, deaf, and Hard of Hearing, including without limitation certification by the Registry of Interpreters for the Deaf, Inc., or similar registries;

(D) Conducting periodic examinations to ensure the availability of certified interpreters;

(E) Charging reasonable fees as necessary for testing and certification;

(F) Ensuring reciprocity of certification for interpreters from other jurisdictions provided that the criteria for certification in the other jurisdiction is comparable to that established by the office;

(G) Establishing a schedule of reasonable fees for services rendered by interpreters in court proceedings;



(H) Establishing a process to review and respond to allegations of misconduct by interpreters; and

(I) Addressing other matters relating to interpreters in the courts.

(c)(1) The General Assembly may appropriate to the office funds as necessary to establish a program to facilitate the use of interpreters and otherwise satisfy the requirements of this subchapter.

(2) Implementation of this subchapter is contingent upon the availability of appropriated funds to carry out its purposes.

(d)(1) With the support of the office, all court personnel shall make a reasonable effort to ensure public awareness of interpreter services.

(2) Clerks of courts shall clearly publicize the availability of interpreter services.

**History.** Acts 2013, No. 237, § 1; 2015, No. 1152, § 2; 2021, No. 84, § 9. substituted “Deaf, deaf, and Hard of Hearing” for “deaf and hearing impaired” in

**Amendments.** The 2021 amendment (b)(2)(C).

#### **16-10-1104. Appointment of interpreter.**

(a) The Administrative Office of the Courts shall compile, maintain, and disseminate a certified registry of qualified interpreters for the courts.

(b) When an interpreter is requested or when the court determines that a party to or a witness in a court proceeding has limited English proficiency, a qualified interpreter shall be appointed under procedures adopted by the Supreme Court.

(c) An attorney, a clerk of court, employee or officer of a law enforcement agency, or a party to or a witness in a court proceeding shall notify the court as soon as the need for an interpreter is identified.

(d) If a qualified interpreter is not available through the office’s registry, the court may appoint an interpreter qualified under procedures adopted by the court, and the interpreter shall take the oath under § 16-10-1105.

**History.** Acts 2013, No. 237, § 1.

#### **16-10-1105. Interpreter oath.**

Before commencing his or her duties, an interpreter appointed under this subchapter shall take an oath in substantially the following form: “Do you [swear] [affirm] that you will make a true and impartial interpretation using your best skills and judgment in accordance with the standards and ethics of the interpreter profession and that you will abide by the Arkansas Code of Professional Responsibility for Interpreters in the Judiciary, [so help you God][under the penalty of perjury]?”

**History.** Acts 2013, No. 237, § 1.

**16-10-1106. Replacement of interpreter.**

(a) A court that appoints an interpreter shall dismiss the interpreter and obtain the services of a qualified interpreter under procedures adopted by the Supreme Court:

(1) If the interpreter fails to follow the standards prescribed by law or by the Arkansas Code of Professional Responsibility for Interpreters in the Judiciary;

(2) If the interpreter is unable to effectively communicate; or

(3) For other reasons prescribed by the Supreme Court.

(b) A court that appoints an interpreter shall notify the Administrative Office of the Courts in writing if the court dismisses an interpreter, setting forth the reason for the dismissal.

**History.** Acts 2013, No. 237, § 1.

**16-10-1107. Confidential communications in presence of interpreter.**

An interpreter appointed under this subchapter shall not be compelled to testify in a court proceeding as to any statements made by the person with limited English proficiency and interpreted by the interpreter when the person with limited English proficiency is engaged in a privileged communication recognized by the Arkansas Rules of Evidence.

**History.** Acts 2013, No. 237, § 1.

**16-10-1108. Compensation of interpreter.**

(a) Except as provided in subsection (b) of this section, the payment of the cost of providing an interpreter appointed under this subchapter shall be the responsibility of the local government responsible for funding the court that has jurisdiction over the court proceeding.

(b) If an interpreter from the registry maintained by the Administrative Office of the Courts is appointed by a court, the court may certify upon prescribed forms upon the conclusion of the interpreter's services those services to the office for payment from funds specifically appropriated for this purpose at the rate set by the office.

(c) A person with limited English proficiency who is a party to or witness in a court proceeding shall not be denied the services of an interpreter because he or she is unable to pay for the services.

(d) A defendant in a criminal proceeding shall not be required to pay a fee for the services of a court-appointed interpreter.

(e) If costs are assessed or collected by the court under the Arkansas Rules of Civil Procedure, the disposition of the costs shall be at the discretion of the court, and the court may order reimbursement to the local government responsible for funding the court or the office for its responsibilities under this subchapter.



**History.** Acts 2013, No. 237, § 1.

## CHAPTER 11

### SUPREME COURT

#### SUBCHAPTER.

#### 1. GENERAL PROVISIONS.

### SUBCHAPTER 1 — GENERAL PROVISIONS

#### SECTION.

16-11-101, 16-11-102. [Repealed.]  
 16-11-105. Rules and laws applicable to court.  
 16-11-110. Library — Librarian.  
 16-11-114. [Repealed.]

#### SECTION.

16-11-116. Employees of the Supreme Court — Bar of Arkansas.  
 16-11-117. Arkansas Access to Justice Foundation, Inc.

**Effective Dates.** Acts 2013, No. 1026, § 11: July 1, 2013. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2013 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2013 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2013.”

Acts 2019, No. 780, § 10: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019.”

### 16-11-101, 16-11-102. [Repealed.]

**Publisher’s Notes.** These sections, concerning terms of court, recess, and adjournment of court in absence of quorum, were repealed by Acts 2021, No. 475, § 8, effective July 28, 2021. The sections were derived from the following sources:

16-11-101. Acts 1874 (Spec. Sess.), No.

9, § 1, p. 12; C. & M. Dig., § 2121; Pope’s Dig., § 2723; Acts 1961, No. 134, § 1; A.S.A. 1947, § 22-205; Acts 1995, No. 549, § 3.

16-11-102. Acts 1868 (Adj. Sess.), No. 1, § 3, p. 1; C. & M. Dig., § 2123; Pope’s Dig., § 2729; A.S.A. 1947, § 22-209.

### 16-11-105. Rules and laws applicable to court.

(a) All rules of the Supreme Court and all laws respecting the Supreme Court shall apply to the Supreme Court sitting in divisions and en banc.

(b) The Supreme Court may make such further rules as may be necessary for the transaction and dispatch of business.

(c) The Supreme Court may, by general rules, provide what causes shall have a preference on the docket.

**History.** Civil Code, § 17; Acts 1871, No. 48, § 1 [17], p. 219; 1925, No. 205, § 4; C. & M. Dig., § 2126; Pope's Dig., §§ 2727, 2732; A.S.A. 1947, §§ 22-208, 22-213; Acts 2019, No. 315, § 1294.

**Amendments.** The 2019 amendment deleted "and regulations" following "rules" in (b).

### 16-11-106. Issuance of writs and process.

#### CASE NOTES

#### Attorney General.

On appeal of the order granting a permanent guardianship of appellant's son to his grandmother, the Supreme Court of Arkansas did not address the merits of appellant's constitutional challenge to the guardianship statutes, §§ 28-65-101 to

28-65-707, because the attorney general was not notified of the challenge as required by subsection (b) of this section and there had not been a complete adversarial development of the constitutional issues. *Mahavir v. Mahavir* (In re A.M.), 2012 Ark. 278 (2012).

### 16-11-108. Disqualification of justice.

#### RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Elizabeth James, Note: Confusion, Clarification and Continued Considerations: A Closer Look

at Arkansas's Judicial Disqualification Rules in Light of *Ferguson v. State*, 40 U. Ark. Little Rock L. Rev. 283 (2017).

### 16-11-110. Library — Librarian.

(a)(1) Except as provided in this section, the Supreme Court Library shall be under the exclusive control and supervision of the Justices of the Supreme Court, who are hereby authorized to make such rules regarding its use and operation as they may deem proper.

(2)(A) There shall be a Director of the Supreme Court Library who shall be nominated by the Director of the Administrative Office of the Courts, subject to the approval of the Supreme Court.

(B) Subsequent to the appointment, the Director of the Supreme Court Library shall hold office at the pleasure of the Supreme Court.

(b) All books obtained and placed in the library shall be the absolute property of the state, subject to the control and management of the Supreme Court, except:

(1) Items deposited in the library by the United States Superintendent of Documents under the Federal Depository Library Program; and



(2) The reports of the Supreme Court directed to be placed in the library, which may be exchanged by the Director of the Supreme Court Library for the reports of the other states or of the United States courts or for other law books, under the direction of the Supreme Court.

(c)(1) The Director of the Supreme Court Library shall have the authority to accept any donation of books, money, or property to increase the library.

(2) Any donation of money shall be deposited in the Supreme Court Library Fund.

(d) The Secretary of State is directed, upon demand, to deliver to the Director of the Supreme Court Library, whenever there are two (2) or more copies of any statute book, book of reports of any court of the United States, or any other law book in his or her office, one (1) copy of every such statute book or book of reports or law book.

(e)(1) Every person who is enrolled as an attorney in the Supreme Court shall pay a fee determined by rule of the Supreme Court for enrolling and recording the license and the certified transcript thereof furnished to the attorney.

(2) The clerk shall deposit this fee in the Supreme Court Library Fund to be used by the Supreme Court for the maintenance and improvement of the library.

(f)(1) The Director of the Supreme Court Library is authorized and empowered at any time to dispose of any books, magazines, papers, or files which may be in the custody or care of the library and which may be found by the Supreme Court to be no longer useful.

(2)(A) The disposition may be by any method permitted by law, as the Director of the Supreme Court Library may determine.

(B) If the disposition is by sale, then the proceeds shall be placed in the Supreme Court Library Fund.

**History.** Acts 1851, §§ 3, 4, 6, 7, 9, 10, p. 89; 1895, No. 145, § 7, p. 213; C. & M. Dig., §§ 2141, 4572, 9776a, 9776d-9776f, 9776h, 9776i; Pope's Dig., §§ 2747, 5656, 13310, 13313-13315, 13317, 13318; Acts 1961, No. 132, § 1; 1961, No. 133, § 1;

A.S.A. 1947, §§ 12-1709, 22-232, 22-234 — 22-238; Acts 1999, No. 960, § 1; 2019, No. 315, § 1295.

**Amendments.** The 2019 amendment deleted "and regulations" following "rules" in (a)(1).

## 16-11-114. [Repealed.]

**Publisher's Notes.** This section, concerning salaries of the Chief Justice and associate justices, was repealed by Acts

2021, No. 475, § 9, effective July 28, 2021. The section was derived from Acts 1985, No. 665, § 1; A.S.A. 1947, § 22-140.

## 16-11-116. Employees of the Supreme Court — Bar of Arkansas.

(a) Pursuant to Arkansas Constitution, Amendment 28, the Supreme Court is charged with the authority and responsibility to regulate the practice of law. As of July 1, 2013, those persons who are employed by the Supreme Court to carry out these responsibilities and who are paid

from the Bar of Arkansas account shall be considered employees of the State of Arkansas administered by the Supreme Court.

(b) For all purposes involving annual leave, sick leave, and career service recognition as a state employee, years of service as an employee of the Supreme Court — Bar of Arkansas shall be recognized as eligible service as a state employee.

(c) Notwithstanding § 19-4-801 or any other law to the contrary, employees shall be paid from cash funds of the Supreme Court derived solely from revenues received from attorney license fees and any other fees, fines, interest income, or other revenues derived from the regulation of the practice of law that may be deposited into the Bar of Arkansas account as determined by the Supreme Court.

(d)(1)(A) On July 1, 2013, the Bar of Arkansas Employees Pension Plan shall be abolished, and its power, duties, plan liabilities and assets shall be transferred to and assumed by the Arkansas Public Employees' Retirement System, together with all accrued service credit due its members.

(B) All current members and beneficiaries of the Bar of Arkansas Employees Pension Plan shall be members of the Arkansas Public Employees' Retirement System and covered by that system's eligibility, retirement and beneficiary provisions, except that those employees who were members of the Bar of Arkansas Employees Pension Plan and who were eligible for the lump-sum distribution provisions of that plan as referenced in Section 9.2(h) of the official plan document shall retain those rights as provided by the Bar of Arkansas Employees Pension Plan.

(2) Employees of the Supreme Court — Bar of Arkansas who are hired after July 1, 2013, shall be enrolled in the Arkansas Public Employees' Retirement System as a condition of employment as provided for in § 24-4-301.

**History.** Acts 2013, No. 1026, § 8.

#### **16-11-117. Arkansas Access to Justice Foundation, Inc.**

The General Assembly finds that as the Arkansas Access to Justice Foundation, Inc., serves a public purpose, financial accounting, general bookkeeping, and management and administrative services may be provided by employees of the Supreme Court and the Supreme Court — Bar of Arkansas in support of the Arkansas Access to Justice Foundation, Inc.

**History.** Acts 2019, No. 780, § 7.



**SUBCHAPTER 3 — PROCEDURAL RULES**

**16-11-301. Rules of pleading, practice, and procedure — Supersession.**

**RESEARCH REFERENCES**

<b>U. Ark. Little Rock L. Rev.</b> Sevawn Foster, Note: Constitutional Law — Arkansas's Current Procedural Rulemaking	<b>Conundrum: Attempting to Quell the Political Discord</b> , 37 U. Ark. Little Rock L. Rev. 105 (2014).
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**CASE NOTES**

**Application.**

Petition to revive a foreign judgment was properly granted because it was authenticated under Ark. R. Civ. P. 44 where it was signed by a clerk for a United States Bankruptcy Court; the Arkansas Supreme Court's rule-making authority over procedural matters was exclusive. It was argued that the proper authentication process was not followed when a certified copy of the judgment was at-

tached to an application. *Bird v. Shaffer*, 2012 Ark. App. 464 (2012).

Uniform Enforcement of Foreign Judgments Act, § 16-66-601 et seq., was enacted before Ark. Const. Amend. 80 and this section, and Ark. R. Civ. P. 44 therefore supersedes it with respect to how foreign judgments must be filed with an Arkansas court. *Agility Fin. Credit Union v. Largent*, 2018 Ark. App. 358, 552 S.W.3d 471 (2018).

**CHAPTER 12**  
**COURT OF APPEALS**

**SUBCHAPTER.**

1. GENERAL PROVISIONS.
2. REAPPORTIONMENT OF THE COURT OF APPEALS DISTRICTS.

**SUBCHAPTER 1 — GENERAL PROVISIONS**

**SECTION.**

16-12-107. [Repealed.]  
16-12-108. Staff.

**16-12-107. [Repealed.]**

**Publisher's Notes.** This section, concerning salaries of court of appeals judges, was repealed by Acts 2021, No. 475, § 10, effective July 28, 2021. The section was derived from Acts 1979, No. 208, § 7; 1985, No. 665, § 2; A.S.A. 1947, §§ 22-140.4, 22-1207.

**16-12-108. Staff.**

- (a) The Clerk of the Supreme Court shall serve as Clerk of the Court of Appeals.
- (b) The Reporter of the Supreme Court shall serve as Reporter of the Court of Appeals.

(c) The sheriff of the county wherein the Court of Appeals is sitting shall be the bailiff of that court.

(d) Each judge of the Court of Appeals shall have an administrative assistant and two (2) law clerks to be selected by the judge personally.

(e) The Clerk of the Supreme Court is authorized to select two (2) additional persons as deputies. He or she may assign deputies to primarily handle all matters relative to the Court of Appeals, including, but not limited to, filing cases which have been appealed to the Court of Appeals, assigning briefs and motions to the judges, submitting cases, keeping all court records, notifying counsel of oral argument, preparing the payroll, and any and all other duties connected with the Court of Appeals.

(f)(1) Law clerks for the Supreme Court and law clerks for the Court of Appeals shall be of the same grade, unless the General Assembly approves a pay grade change to either court's law clerks.

(2) The Supreme Court or the Court of Appeals shall give timely written notice to the other court before requesting a change to a pay grade for its respective law clerks to the General Assembly.

**History.** Acts 1979, No. 208, § 8; A.S.A. 1947, § 22-1208; Acts 2021, No. 129, §§ 1, 2.

**A.C.R.C. Notes.** Acts 2021, No. 129, § 3, provided: "Legislative intent. It is the intent of the General Assembly that any variation or amendment to the established pay grade of a law clerk employed by the Supreme Court or the Court of

Appeals on or after the effective date of this act [July 28, 2021] be accomplished through the General Assembly's budgetary and appropriation process."

**Amendments.** The 2021 amendment substituted "an administrative assistant and two (2) law clerks" for "a secretary and a law clerk" in (d); and rewrote (f).

## SUBCHAPTER 2 — REAPPORTIONMENT OF THE COURT OF APPEALS DISTRICTS

### SECTION.

16-12-202. Court of Appeals — Transition.

### 16-12-202. Court of Appeals — Transition.

The elections under this section shall be for an eight-year term as follows:

(1) The judgeship designated prior to July 16, 2003, as "District 2, Position 2", shall continue to be designated "District 2, Position 2", and shall be subject to election in District 2;

(2) The judgeship designated prior to July 16, 2003, as "District 4, Position 1", shall continue to be designated "District 4, Position 1", and shall be subject to election in District 4;

(3) The judgeship designated prior to July 16, 2003, as "District 4, Position 2", shall continue to be designated "District 4, Position 2", and shall be subject to election in District 4;

(4) The judgeship designated prior to July 16, 2003, as "District 5, Position 1", shall be designated "District 5" and shall be subject to election in District 5;



(5) The judgeship designated prior to July 16, 2003, as “District 3, Position 2”, shall continue to be designated “District 3, Position 2”, and shall be subject to election in District 3;

(6) The judgeship designated prior to July 16, 2003, as “District 1, Position 2”, shall be designated “District 1, Position 1”, and shall be subject to election in District 1;

(7) The judgeship designated prior to July 16, 2003, as “District 5, Position 2”, shall be designated “District 1, Position 2”, and shall be subject to election in District 1;

(8) The judgeship designated prior to July 16, 2003, as “District 6, Position 2”, shall continue to be designated “District 6, Position 2”, and shall be subject to election in District 6;

(9) The judgeship designated prior to July 16, 2003, as “District 1, Position 1”, shall be designated “District 7” and shall be subject to election in District 7;

(10) The judgeship designated prior to July 16, 2003, as “District 6, Position 1”, shall continue to be designated “District 6, Position 1”, and shall be subject to election in District 6;

(11) The judgeship designated prior to July 16, 2003, as “District 2, Position 1”, shall continue to be designated “District 2, Position 1”, and shall be subject to election in District 2; and

(12) The judgeship designated prior to July 16, 2003, as “District 3, Position 1”, shall continue to be designated “District 3, Position 1”, and shall be subject to election in District 3.

**History.** Acts 2003, No. 1812, § 3;  
2011, No. 1132, § 5.

## CHAPTER 13

### CIRCUIT COURTS

#### SUBCHAPTER.

1. GENERAL PROVISIONS.
2. CIRCUIT COURTS GENERALLY.
3. JUVENILE DIVISION OF CIRCUIT COURT GENERALLY.
5. COURT REPORTERS.
7. ENFORCEMENT OF FINES.
10. SECOND JUDICIAL CIRCUIT.
12. FOURTH JUDICIAL CIRCUIT.
14. SIXTH JUDICIAL CIRCUIT.
19. ELEVENTH JUDICIAL CIRCUIT.
20. TWELFTH JUDICIAL CIRCUIT.
29. TWENTY-FIRST JUDICIAL CIRCUIT.
30. NINETEENTH JUDICIAL CIRCUIT.
31. SEVENTH AND TWENTY-SECOND JUDICIAL CIRCUITS.
32. EIGHTH JUDICIAL CIRCUIT.
33. TRIAL COURT ADMINISTRATORS.

## CASE NOTES

**Complaint.**

In an action by a county resident against officials of the Arkansas Game and Fish Commission, alleging that the Commission used public funds to enter into gas leases with private commercial enterprises and diverted the monies generated from those leases to unauthorized

expenditures, the resident failed to state a claim for illegal extraction under this section because the monies at issue did not arise from taxation but were generated from the Commission's gas leases with private, third-party companies. *Dockery v. Morgan*, 2011 Ark. 94, 380 S.W.3d 377 (2011).

## SUBCHAPTER 1 — GENERAL PROVISIONS

## SECTION.

16-13-103. Special judges — Compensation — Expenses.

**16-13-103. Special judges — Compensation — Expenses.**

(a)(1) A licensed attorney who is elected as a special judge of the circuit court under Arkansas Constitution, Amendment 80, and the rules prescribed by the Supreme Court may request compensation at one-half (½) the rate as fixed by law for a regularly elected circuit judge.

(2) This section does not allow a special judge to receive compensation for any days that he or she is not actually serving in his or her appointed capacity.

(b) The compensation provided for in this section shall be paid from the appropriation provided to the Auditor of State for special and recalled judges for the circuit courts, upon certification by the clerk of the court in which the special circuit judge was elected stating the number of days or a portion of a day served, under the rules prescribed by the Supreme Court.

**History.** Acts 1971, No. 649, §§ 1, 2; A.S.A. 1947, §§ 22-131, 22-131.1; Acts 2011, No. 274, § 6.

**A.C.R.C. Notes.** Acts 2011, No. 274, § 1, provided: "Legislative intent.

"(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable

to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

"(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

"(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification."

## SUBCHAPTER 2 — CIRCUIT COURTS GENERALLY

## SECTION.

16-13-201. Jurisdiction.

16-13-202. [Repealed.]

16-13-224. Temporary exchange of districts — Assignment.

## SECTION.

16-13-226. Installment payments by a criminal defendant in circuit court — Priority of payment.



### 16-13-201. Jurisdiction.

(a) Circuit courts shall have original jurisdiction of all justiciable matters not otherwise assigned pursuant to the Arkansas Constitution.

(b)(1) Circuit courts shall have appellate jurisdiction of the judgments and final orders of county courts and district courts in all civil actions.

(2) On appeal from such judgments and final orders, the case shall be tried de novo, and the appellate jurisdiction of the circuit court shall extend to errors of fact as well as errors of law.

(c) The circuit courts shall have appellate jurisdiction from the decision of any inferior board, council, or tribunal in the contest of any county, township, or municipal office, and on such appeals the case shall be tried de novo.

**History.** Civil Code, §§ 18-20; Acts 1871, No. 48, § 1 [19], p. 249; 1873, No. 88, § 1 [18, 19], p. 213; C. & M. Dig., §§ 2228, 2233, 2234; Pope's Dig., §§ 2856, 2861, 2862; A.S.A. 1947, §§ 22-301, 22-

304, 22-308; Acts 2003, No. 1185, § 74; 2021, No. 475, § 11.

**Amendments.** The 2021 amendment deleted "city courts, and police courts" following "district courts" in (b)(1).

### 16-13-202. [Repealed.]

**Publisher's Notes.** This section, concerning rules, was repealed by Acts 2011, No. 1132, § 6. The section was derived from Civil Code, § 18; Acts 1873, No. 88,

§ 1 [18], p. 213; C. & M. Dig., § 2231; Pope's Dig., § 2859; A.S.A. 1947, § 22-309.

### 16-13-214. Disqualification of judges.

#### RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Justice Robert L. Brown, Essay: Judicial Recusal: It's Time to Take Another Look Post-Caperton, 38 U. Ark. Little Rock L. Rev. 63 (2015).

Elizabeth James, Note: Confusion, Clarification and Continued Consider-

ations: A Closer Look at Arkansas's Judicial Disqualification Rules in Light of *Ferguson v. State*, 40 U. Ark. Little Rock L. Rev. 283 (2017).

#### CASE NOTES

##### ANALYSIS

Grounds.

—Bias or Prejudice.

**Grounds.**

—Bias or Prejudice.

Arkansas Supreme Court Justices were entitled to a writ of mandamus to dismiss an action filed by a trial judge after the

justices permanently barred him from presiding over death penalty cases based on his alleged anti-death penalty bias in violation of Ark. Code Jud. Conduct 2.11; extraordinary circumstances warranted the writ and the judge stated no plausible claims for relief. *In re Kemp*, 894 F.3d 900 (8th Cir. 2018), cert. denied, 139 S. Ct. 1176, 203 L. Ed. 2d 199 (2019).

**16-13-224. Temporary exchange of districts — Assignment.**

(a) Circuit judges may temporarily exchange judicial districts by joint order, and any circuit judge who consents may be assigned to another district for temporary service under rules adopted by the Supreme Court.

(b) When a circuit judge is serving temporarily in a judicial district other than his or her own, he or she shall not thereby be disqualified from conducting court or performing the usual and customary functions of his or her office in his or her own judicial district.

(c) A circuit judge on temporary duty by exchange or assignment:

(1) Shall have the same power and authority as a regularly elected or appointed judge for the judicial district; and

(2) May sign any judgment, order, document, or other paper relating to any case heard by the judge, either in the judicial district where the cause or matter is pending or in his or her own district, and the judgment, order, document, or other paper shall for all intents have the same effect, irrespective of the district in which it is signed.

(d) The sheriff and the circuit clerk in the county where a circuit judge is on temporary duty by exchange or assignment shall perform the same duties and functions in carrying out the operation of the court as they perform in cases assigned to the regularly elected or appointed judges.

(e) If a circuit judge who is on temporary duty by exchange or assignment needs a jury for the disposition of any case, he or she may use the regular or special panel of the circuit court of that county. If the regular and special panels are exhausted, he or she may summon the circuit clerk and have him or her select the required number of qualified jurors.

**History.** Acts 2003, No. 1185, § 79; her” for “jury commissioners previously appointed and have them” in the second sentence of (e).

**Amendments.** The 2017 amendment substituted “circuit clerk and have him or

**16-13-226. Installment payments by a criminal defendant in circuit court — Priority of payment.**

(a) An installment payment by a criminal defendant to a circuit court shall initially be deemed to be a collection of court costs until the court costs have been collected in full, with any remaining installment payments representing collections of restitution, and then any applicable fines.

(b) If court costs, restitution, and fines are fully paid, all remaining installment payments shall be allocated to remaining amounts due as ordered by the circuit court.

(c) A municipal or county governing body that adopted municipal or county legislation before January 1, 2017, to provide an alternative method of installment payment allocation as then authorized by state



law shall remain in effect until repealed by the municipal or county governing body.

**History.** Acts 2017, No. 885, § 1.

### SUBCHAPTER 3 — JUVENILE DIVISION OF CIRCUIT COURT GENERALLY

SECTION.

16-13-326. Circuit court juvenile division funds.

SECTION.

16-13-331. State reimbursement.

**Effective Dates.** Acts 2016, No. 87, § 7: July 1, 2016. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2016 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of

the legislative session, the delay in the effective date of this Act beyond July 1, 2016 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2016."

#### 16-13-326. Circuit court juvenile division funds.

(a)(1) All court costs, fines, and fees assessed by the juvenile division of circuit court shall be deposited and accounted for by the county in which they are received.

(2) The court shall have the authority to direct that the fees, court costs, and fines shall be collected by either the juvenile officer, the sheriff, or the clerk of the juvenile division of circuit court or other person designated by the court for the county in which the fees, court costs, and fines are charged.

(b)(1) The officer designated by the court to collect juvenile fees, court costs, and fines shall deposit the fees, court costs, and fines into the appropriate fund and monthly deposit the fees, court costs, and fines into the fund in the county treasury of the county where the fees are collected.

(2)(A) In a judicial district with multiple judges designated to hear juvenile cases in the district plan under Supreme Court Administrative Order No. 14, the majority of the judges shall determine who is to be in charge of the collection and accounting of fees, court costs, and fines.

(B) If there is no majority, the administrative judge is to determine who shall be in charge of the collection and accounting of fees, court costs, and fines as provided by this section.

(3)(A) However, in judicial districts having more than one (1) county, the majority of the judges or the administrative judge may designate

the treasurer of one (1) of the counties in the district as the depository of all juvenile and diversion fees, court costs, and fines collected in the district.

(B) The treasurer so designated by the court shall maintain a separate account of the juvenile fees, court costs, and fines collected in each county in the district so that fees, court costs, and fines collected in a county are spent to support the juveniles and juvenile division court services and programs in that county.

(C) Money remaining at the end of the fiscal year shall not revert to any other fund but shall remain in the circuit court juvenile division fund and carry over to the next fiscal year.

(c) The funds derived from the collection of juvenile fees, court costs, and fines shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in the district plan under Supreme Court Administrative Order No. 14, originally issued April 6, 2001, and the quorum court of the county to provide services and supplies to juveniles and support court programs at the discretion of the juvenile division of circuit court, including without limitation:

- (1) Juvenile drug courts;
- (2) Teen courts;
- (3) Volunteer probation programs;
- (4) Court-appointed special advocates; and
- (5) After-school and community-based programs.

**History.** Acts 1989, No. 418, § 5; 1994 (2nd Ex. Sess.), No. 61, § 3; 1994 (2nd Ex. Sess.), No. 62, § 3; 1995, No. 1204, § 1; 2003, No. 1809, § 14; 2011, No. 1175, § 13.

### **16-13-331. State reimbursement.**

(a) The Administrative Office of the Courts shall administer the state reimbursement to the counties for the juvenile officers' previous year's salaries.

(b) In order for a county to receive the state reimbursement for juvenile officers, the county must submit the following documentation to the office, including without limitation:

- (1) Proof of each juvenile officer's certification and continuing education hours;
- (2) A copy of each juvenile officer's W-2 form for the salary year that is being reimbursed; and
- (3) A completed form concerning the employment status of the juvenile officer which shall be designed and distributed by the office.

(c) If a county contracts with a service provider to provide juvenile services pursuant to § 16-13-330, the county must submit documentation to the office, including without limitation:

- (1) A copy of the contract for the salary year that is being reimbursed;



(2) A copy of each juvenile officer's certification and continuing education hours;

(3) A copy of each juvenile officer's W-2 form for the salary year that is being reimbursed; and

(4) A completed form concerning the employment status of each juvenile officer which shall be designed and distributed by the office.

(d)(1) A county may determine that part-time service of a juvenile officer is sufficient to meet the needs of the county.

(2)(A) Multiple counties in a judicial district may share the cost of the salary of the juvenile officer.

(B) One (1) county may be designated as the county to be reimbursed by the state, or each county shall designate the portion of the salary that it pays for juvenile services.

(3)(A) A county may contract with a service provider for full-time or part-time juvenile officer services, and the county shall indicate the percentage of the contractor's time that is spent providing juvenile officer services for the county.

(B) The county or the contractor shall be reimbursed for one-half (½) of the portion of the salary that is used for such services, up to fifteen thousand dollars (\$15,000).

(e) Nothing in this section removes the obligation of each circuit judge designated to hear juvenile cases in a district plan under Supreme Court Administrative Order No. 14, originally issued April 6, 2001, to have a minimum of one (1) intake officer, pursuant to § 16-13-328, and one (1) probation officer, pursuant to § 16-13-327.

(f) Funds appropriated for county reimbursement as provided in this section and for which a county has not submitted reimbursement documentation by January 1 of each year as required under subsection (b) of this section may be distributed to a county based on the following factors:

(1) The use of or inability of a county to use risk assessment and behavioral health screenings;

(2) The financial need of the county;

(3) The juvenile crime rate of the county;

(4) The juvenile division of circuit court reduction in commitments and the need for community service in the county; and

(5) The plan of the juvenile division of circuit court or the county for the use of funds for the provision of juvenile officer services.

**History.** Acts 1997, No. 321, § 1; 1999, No. 460, § 2; 2003, No. 1166, § 37; 2016, No. 87, § 4; 2019, No. 941, § 1; 2021, No. 475, § 12.

**Amendments.** The 2016 amendment substituted "Administrative Office of the Courts" for "Auditor of State" throughout the section.

The 2019 amendment deleted "intake and probation" following "juvenile" in the introductory language of (b) and (c), and in (d)(2)(B) and twice in (d)(3)(A); substituted "the county" for "a county" in (d)(1); substituted "juvenile officer" for "in-take and probation officer" in (d)(2)(A); and added (f).

The 2021 amendment, in the introductory language of (b) and (c), substituted “without limitation” for “but not limited

to”; and inserted “juvenile” preceding “officer” in (b)(3) and (c)(4).

## SUBCHAPTER 5 — COURT REPORTERS

### SECTION.

- 16-13-501. Court reporters made state employees.
- 16-13-503. Appointment — Compensation — Leave.
- 16-13-504. Salary implementation procedures.
- 16-13-505. Court reporters — Reimbursement for expenses.

### SECTION.

- 16-13-506. Court reporters — Transcript fees.
- 16-13-509. Substitute court reporters.
- 16-13-510. Complete record required — Waiver.

**A.C.R.C. Notes.** Acts 2014, No. 111, § 3, provided: “TRANSCRIPTS. Official Court Reporters shall prepare transcripts, which are to be included within a record on appeal, pursuant to the time requirements that are outlined in the Arkansas Supreme Court Rules. In the event an official Court Reporter fails to complete a transcript within the prescribed time, he or she shall immediately inform the judge, for whom he or she is employed, and the Arkansas Board of Certified Court Reporter Examiners. Failure of a Court Reporter to report to his or her judge and to the Arkansas Board of Certified Court Reporter Examiners shall result in the immediate suspension of the Court Reporter’s license, pending a hearing before the Arkansas Board of Certified Court Reporter Examiners.”

**Effective Dates.** Acts 2015, No. 268, § 16: July 1, 2015. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the act entitled ‘AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE OFFICIAL COURT REPORTERS AND TRIAL COURT ADMINISTRATORS OF THE CIRCUIT COURTS FOR THE FISCAL YEAR ENDING JUNE 30, 2016;

AND FOR OTHER PURPOSES.’ requires the passage of this act; that the effectiveness of this act on July 1, 2015, is essential to the operation of the Administrative Office of the Courts, and that in the event of an extension of the legislative session, the delay in the effective date of this act beyond July 1, 2015, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect on and after July 1, 2015.”

Acts 2019, No. 716, § 13: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019.”



**16-13-501. Court reporters made state employees.**

(a) The official court reporters of the circuit courts in this state are employees of the State of Arkansas.

(b) The Administrative Office of the Courts may employ or contract with a court reporter previously employed by the state for services provided at any time after his or her separation from state employment, regardless of a limitation otherwise provided under § 19-11-709(d).

(c) The office is responsible for the financial oversight of the court reporters employed by the circuit court, which includes without limitation:

- (1) Biennial and annual budget requests;
- (2) Relevant budget activities;
- (3) Monitoring expenses;
- (4) Travel;
- (5) Substitute expenses;
- (6) Indigent transcript payments; and
- (7) Ensuring projected annual expenditures do not exceed total available funding.

(d) The office, with the assistance of the Arkansas Judicial Council, Inc., shall establish an official procedure or rules for:

- (1) The hiring of court reporters;
- (2) The termination of court reporters; and
- (3) Salary adjustments for court reporters.

**History.** Acts 1981 (1st Ex. Sess.), No. 16, § 5; A.S.A. 1947, § 22-366.3; Acts 2015, No. 268, § 4; 2019, No. 716, § 8.

**Amendments.** The 2019 amendment added (b) through (d) and designated the former section as (a).

**16-13-503. Appointment — Compensation — Leave.**

(a) Each judge of each circuit court may appoint one (1) or more court reporters as may be authorized by law.

(b)(1) The salaries of the court reporters shall:

(A) Be exempt from the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq.;

(B) Not exceed the maximum annual salary rate authorized by the General Assembly in the applicable appropriation act; and

(C) Be determined by the Administrative Office of the Courts.

(2) The salaries, together with other expenses authorized by law for the court reporters to be paid from state funds, shall be paid with moneys appropriated for the salaries and other expenses by the General Assembly from the Court Reporter's Fund.

(3) The total amount of salaries paid to court reporters and other distributions of the Court Reporter's Fund shall not exceed:

(A) The total annual allocation authorized by the General Assembly to the Court Reporter's Fund from the State Administration of Justice Fund as supplemented, if necessary, by any real property transfer tax revenues under § 26-60-112(b)(2); and

(B) Any remaining balances in the Court Reporter's Fund.

(c)(1) Notwithstanding the exemption provided by § 21-4-203, the circuit judge of the circuit court served by a court reporter shall administer the attendance and leave policies for the court reporter in the manner prescribed for state employees by the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq.

(2) The court reporter shall forward all approved requests for leave to the office on a regular and timely basis for payroll purposes.

(3) The office shall prescribe the procedures for obtaining all relevant leave information, including without limitation the forms, method of transmittal, and format for obtaining the leave information.

(d)(1) Rules for the regulation of the practice of court reporting in this state, including, but not limited to, certification, discipline, and provisions for the retention of court reporter records, shall be the responsibility of the Supreme Court.

(2) Provided, however, that nothing in this subsection shall permit the Supreme Court to require that counties or county officials provide space for the storage of court reporter records.

**History.** Acts 1981 (1st Ex. Sess.), No. 16, § 5; A.S.A. 1947, § 22-366.3; Acts 1995, No. 743, § 1; 2003, No. 1363, § 1; 2015, No. 268, § 5.

#### **16-13-504. Salary implementation procedures.**

(a) If a court reporter was an official court reporter in the state on June 30, 1981, the increase eligibility date for purposes of salary implementation shall be July 1, 1982.

(b) If an official court reporter was appointed after June 30, 1981, the increase eligibility date for purposes of salary implementation shall be determined by the date of appointment.

**History.** Acts 1981 (1st Ex. Sess.), No. §§ 22-366.4, 22-367.5; Acts 2003, No. 27, § 1; 1983, No. 868, § 1; A.S.A. 1947, 1185, § 89; 2015, No. 268, § 6.

#### **16-13-505. Court reporters — Reimbursement for expenses.**

(a)(1) A court reporter for a circuit court is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs for attending court away from the court reporter's official station.

(2) Notwithstanding the exemption from state travel rules provided by § 19-4-904, if a court reporter uses a personal vehicle for transportation, he or she is entitled to reimbursement for mileage at the same rate prescribed by the Department of Finance and Administration for executive branch employees.

(b) Reimbursements for actual expenses and mileage under subsection (a) of this section shall be made monthly by the Administrative Office of the Courts upon claims by the respective court reporters certified by the circuit judge.



**History.** Acts 1981 (1st Ex. Sess.), No. 16, § 6; 1985, No. 63, § 1; A.S.A. 1947, § 22-367.3; Acts 2003, No. 1185, § 89; 2005, No. 461, § 2; 2015, No. 268, § 7; 2019, No. 315, § 1296.

**Amendments.** The 2019 amendment substituted “rules” for “regulations” in (a)(2).

### 16-13-506. Court reporters — Transcript fees.

(a)(1) When required to make a transcript of court proceedings, each court reporter of the circuit courts shall be entitled to compensation at the rate of four dollars and ten cents (\$4.10) per page for the original and two (2) copies and at the rate of fifty cents (50¢) per page for each additional copy.

(2) When required to prepare photocopied evidence as part of a transcript, each court reporter shall be entitled to compensation at the rate of one dollar and fifty cents (\$1.50) per page for an original and two (2) copies and at the rate of fifty cents (50¢) per page for each additional copy thereafter, with the cost to be paid by the parties ordering transcripts.

(3) The circuit court judge in which the court proceeding occurred is exempt from this section.

(4)(A) If the circuit court judge utilized a substitute official court reporter under § 16-13-509 for a court proceeding that the circuit court judge later determines requires a transcript, the substitute official court reporter shall receive additional compensation for producing the transcript for the circuit court judge.

(B) The Trial Employees Committee of the Arkansas Judicial Council, Inc., shall develop a policy that shall be implemented by the Administrative Office of the Courts to ensure fair compensation for a substitute official court reporter who is required to produce a transcript for a circuit court judge.

(b)(1)(A) In indigent and in forma pauperis proceedings, the compensation to the court reporter for transcripts provided for in subsection (a) of this section shall be paid by the State of Arkansas.

(B) However, in such proceedings, the court reporters shall be entitled to compensation from the state only for the original and two (2) copies of the transcript.

(2) The payments shall be made only upon certification of the payments by the presiding circuit judge and shall be paid by the Administrative Office of the Courts from funds appropriated out of the Court Reporter’s Fund.

**History.** Acts 1981 (1st Ex. Sess.), No. 16, § 7; 1983, No. 868, § 2; A.S.A. 1947, § 22-367.4; Acts 1987, No. 581, § 1; 2003, No. 1185, § 90; 2005, No. 461, § 2; 2015, No. 268, § 8; 2021, No. 1097, § 1.

**Amendments.** The 2021 amendment inserted “court” preceding “reporter” in (a)(2); added (a)(3) and (a)(4); and made a stylistic change.

**16-13-509. Substitute court reporters.**

(a)(1) In the absence or unavailability of the official court reporter, the circuit judge or circuit judge on assignment as authorized by § 16-10-101 may temporarily employ the services of a substitute court reporter if the temporary employment is essential to prevent a disruption of the business of the circuit court.

(2) The substitute court reporter shall be a court reporter certified by the Certified Court Reporter Examiners Board.

(b)(1) When a circuit judge or circuit judge on assignment temporarily employs a substitute court reporter, the circuit judge shall certify to the Administrative Office of the Courts, upon forms prepared by the office, that he or she has temporarily employed the services of a substitute court reporter and that the temporary employment was essential to prevent a disruption of the business of the circuit court.

(2) The circuit judge or circuit judge on assignment shall further furnish to the office the name, address, and Social Security number of the substitute court reporter and the number of days the substitute court reporter was temporarily employed, plus any other information concerning the employment requested by the office.

(c)(1) The office may pay the substitute court reporter for the court reporting services furnished to the circuit judge from funds specifically appropriated for that purpose.

(2) The substitute court reporter shall be paid at the rate of one hundred seventy-five dollars (\$175) per day.

(3) The substitute court reporter is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs for attending court under § 16-13-505.

(d) If a trial court administrator employed under § 16-13-3302 and also certified under subsection (a) of this section is appointed to act temporarily as a substitute court reporter, he or she is not entitled to be paid an additional salary but is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs when attending court away from his or her official station, under § 16-13-505.

(e) In any one (1) fiscal year, however, the office shall not pay for the services of a substitute court reporter or substitute court reporters for any one (1) circuit judge or circuit judge on assignment in excess of thirty (30) working days, unless approved and ordered by the Chief Justice of the Supreme Court.

(f) This subchapter does not preclude or prohibit any circuit judge from obtaining payment for the services of a substitute court reporter from the county or counties composing the circuit judge's judicial district rather than from the office.

**History.** Acts 1987, No. 373, §§ 1-4; 1997, No. 1169, § 1; 2001, No. 510, § 1; 1989, No. 677, § 1; 1989, No. 762, § 1; 2005, No. 461, § 3; 2015, No. 268, § 9.



## 16-13-510. Complete record required — Waiver.

(a) In all cases before a circuit court of this state, a complete record of the proceedings shall be made by the official court reporter, or other reporter designated by the court. Upon the request of either party or the circuit judge, said record shall be transcribed, certified by the reporter as true and correct, and filed with the clerk of the court in which the proceedings were had, not less than ten (10) days before the expiration of time allowed for appeal.

(b) Nothing contained in this section shall prevent the parties, with the permission of the circuit court, from waiving a complete record of the proceeding.

(c)(1) The court reporter's duty to transcribe and certify the record may be conditioned upon the payment, when requested by the court reporter, of up to fifty percent (50%) of the estimated cost of the transcript.

(2) The court reporter may require that payment for the remainder of the final cost of the transcript be submitted before delivery of the transcript.

**History.** Acts 1989, No. 844, §§ 1, 2; 1993, No. 812, § 1; 2021, No. 819, § 1.

**Amendments.** The 2021 amendment added (c)(2) and redesignated (c) as (c)(1).

## CASE NOTES

### ANALYSIS

Motion to Compel Arbitration.  
Notice of Appeal.

### Motion to Compel Arbitration.

In a case involving a trial court's order denying a motion to compel arbitration, remand was necessary because, in its order denying the motion to compel arbitration, the trial court said that it had announced its decision in open court during a hearing but there was no transcript of such a hearing either in the addendum or in the record. *Evangelical Lutheran Good Samaritan Soc'y v. Kolesar*, 2013 Ark. App. 195 (2013).

### Notice of Appeal.

Circuit court erred in granting a city's motion for extension of time to file the

record in its appeal of condemnation action because the city failed to strictly comply with Ark. R. App. P. Civ. 5 where it failed to make the financial arrangements necessary for the court reporter to prepare the stenographically recorded material until the very last day that an extension could be granted. It would make little sense to hold that an extension was necessary for the court reporter to include the stenographically reported material in the record when the city was at fault in creating the necessity by failing to pay the court reporter the required deposit. *City of Little Rock v. Hermitage Dev. Corp.*, 2015 Ark. 453, 476 S.W.3d 788 (2015).

**Cited:** *Arkansas Realtors Ass'n v. Real Forms, LLC*, 2014 Ark. 385, 442 S.W.3d 845 (2014); *Terry v. State*, 2019 Ark. 342 (2019).

## SUBCHAPTER 7 — ENFORCEMENT OF FINES

### SECTION.

16-13-701. Scope — Definition.

16-13-703. Imprisonment.

16-13-704. Installment payments — Definition.

### SECTION.

16-13-705. Personal checks.

16-13-706. Credit or debit card payments.

16-13-708. Revocation of registration or license.

**Effective Dates.** Acts 2013, No. 282, § 17: Mar. 6, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the effectiveness of this act as soon as possible is essential to the operation of the judiciary and the administration of justice; and that this act is immediately necessary because the delay in the effective date of this act could cause irreparable harm upon the proper administration of

essential governmental programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### 16-13-701. Scope — Definition.

(a) The procedures established by this subchapter shall apply to the assessment and collection of all fines, however designated, imposed by circuit courts and district courts for criminal convictions, traffic convictions, civil violations, and juvenile delinquency adjudications and shall be utilized to obtain prompt and full payment of all fines.

(b) As used in this subchapter, "fine" means a monetary penalty imposed by a court, including without limitation:

- (1) A monetary fine;
- (2) Court costs;
- (3) Court-ordered restitution;
- (4) Probation fees;
- (5) Supervision fees;
- (6) Public service supervisory fees; and
- (7) Other court-ordered fees.

**History.** Acts 1995, No. 1262, § 1; 1997, No. 941, § 1; 2001, No. 1809, § 12; 2003, No. 1765, § 8; 2005, No. 1934, § 6; 2007, No. 663, § 31; 2019, No. 113, § 2.

**Amendments.** The 2019 amendment

added "Definition" in the section heading; deleted "monetary" following "collection of all" in (a); rewrote (b); and made a stylistic change.

### RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Jessie Wallace Burchfield, A Ticket to Jail: Do Minor Traffic Violations Result in Jail

Time for Poor Arkansans?, 42 U. Ark. Little Rock L. Rev. 371 (2020).

### 16-13-702. Immediate payment.

### RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Jessie Wallace Burchfield, A Ticket to Jail: Do Minor Traffic Violations Result in Jail

Time for Poor Arkansans?, 42 U. Ark. Little Rock L. Rev. 371 (2020).



**16-13-703. Imprisonment.**

(a) When a defendant sentenced to pay a fine defaults in the payment thereof, or of any installment, the court, upon its own motion or that of the prosecuting attorney, may require him or her to show cause why he or she should not be imprisoned for nonpayment.

(b) The court may issue a warrant of arrest or summons for his or her appearance.

(c)(1) Unless the defendant shows that his or her default was not attributable to a purposeful refusal to obey the sentence of the court or to a failure on his or her part to make a good-faith effort to obtain the funds required for payment, the court may order the defendant imprisoned in the county jail or other authorized institution designated by the court until the fine or specified part thereof is paid.

(2)(A) The period of imprisonment shall not exceed one (1) day for each forty dollars (\$40.00) of the fine, thirty (30) days if the fine was imposed upon conviction of a misdemeanor, or one (1) year if the fine was imposed upon conviction of a felony, whichever is the shorter period.

(B) The total amount of fines owed shall not automatically be reduced by the period of imprisonment, but the court may credit forty dollars (\$40.00) for each day of imprisonment against the total fine, excluding any amount owed for restitution, the defendant has been sentenced to pay.

(3) This subsection is in addition to the revocation options contained in § 16-93-308.

(d) If the court determines that the default in payment of the fine is not attributable to the causes specified in subsection (c) of this section, the court may enter an order allowing the defendant additional time for payment, reducing the amount of each installment, or revoking the fine or the unpaid portion thereof in whole or in part.

**History.** Acts 1995, No. 1262, § 4;  
2003, No. 1765, § 9; 2013, No. 225, § 1.

**RESEARCH REFERENCES**

**Ark. L. Rev.** Bryan Altman, Comment: Wallace Burchfield, A Ticket to Jail: Do Improving the Indigent Defense Crisis Through Decriminalization, 70 Ark. L. Minor Traffic Violations Result in Jail Time for Poor Arkansans?, 42 U. Ark. Rev. 769 (2017). Little Rock L. Rev. 371 (2020).

**U. Ark. Little Rock L. Rev.** Jessie

**16-13-704. Installment payments — Definition.**

(a)(1) If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

(2)(A) When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure hearing, an order that the fine be paid in full by a date certain and that in default of payment, the defendant must appear in court to explain the failure to pay.

(B) In fixing the date of payment, the court shall issue an order which will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant's dependents.

(3) When a person is authorized to pay a fine on an installment basis, any court cost assessed under § 9-15-202(d) or § 16-10-305(h) shall be collected from the initial installment payment first.

(b)(1)(A) In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on each person who is authorized to pay a fine on an installment basis.

(B) This fee shall be collected in full each month in which a defendant makes an installment payment.

(C) This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full.

(2)(A)(i) One-half ( $\frac{1}{2}$ ) of the installment fee collected in circuit court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit into the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(ii) The other half of the installment fee shall be remitted by the tenth day of each month to the county treasurer to be deposited into a fund entitled the "circuit court automation fund" to be used solely for circuit court-related technology.

(B)(i) Expenditures from the circuit court automation fund shall be approved by the administrative circuit judge of each judicial circuit and shall be authorized and paid under the state laws governing the appropriation and payment of county expenditures.

(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(iii) Funds in each county in a judicial district may be pooled for expenditure pursuant to a circuit-wide technology plan approved by the administrative circuit judge.

(3)(A) One-half ( $\frac{1}{2}$ ) of the installment fee collected in district court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section, on a form provided by that section, for deposit into the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(B) The other half of the installment fee collected in district court shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited into a



fund entitled the “district court automation fund” to be used solely for district court-related technology.

(C) In any district court which is funded solely by the county, the other half of this fee shall be remitted by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited into the district court automation fund to be used solely for district court-related technology.

(D)(i) Expenditures from the district court automation fund shall be approved by a district judge and shall be authorized and paid under state laws governing the appropriation and payment of county or municipal expenditures by the governing body or, if applicable, governing bodies, that contribute to the expenses of a district court.

(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(E)(i) In circuit court only, an installment fee of an additional five dollars (\$5.00) per month shall also be assessed on the first day of each month on each person who is ordered to pay a fine on an installment basis with the additional five dollars (\$5.00) to be remitted to the collecting official to be used to defray the cost of fine collection.

(ii) In district court only, an installment fee of an additional five dollars (\$5.00) per month shall also be assessed on the first day of each month on each person who is ordered to pay a fine on an installment basis with the additional five dollars (\$5.00) to be remitted by the tenth day of each month to the Administration of Justice Funds Section on a form provided by that section for deposit into the State Administration of Justice Fund.

(c) Any defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

(d) “Ability to pay” means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

**History.** Acts 1995, No. 1262, § 3; 1138, §§ 1, 2; 2011, No. 1218, § 2; 2013, 2001, No. 1809, § 13; 2003, No. 1185, No. 282, § 9; 2017, No. 583, § 4.  
 § 94; 2003, No. 1765, § 10; 2005, No. **Amendments.** The 2017 amendment  
 1934, § 7; 2007, No. 663, § 32; 2011, No. added (a)(3).

## RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Jessie Time for Poor Arkansans?, 42 U. Ark. Wallace Burchfield, A Ticket to Jail: Do Little Rock L. Rev. 371 (2020).  
 Minor Traffic Violations Result in Jail

## CASE NOTES

## ANALYSIS

Due Process.  
Illegal Fee.

**Due Process.**

Circuit court properly denied the city a directed verdict in a class action alleging that the assessment of installment fees in Little Rock District Court, Second Division violated due process in charging installment fees even if the fine was paid off early. The lack of notice, as established by the evidence at trial, precluded satisfaction of due process; there was no evidence showing that plaintiff mother was advised of a refund or reconsideration of the fee, but instead, she was simply told by the court cashier that she had to pay the entire sum. *City of Little Rock v. Nelson*, 2020 Ark. 34, 592 S.W.3d 633 (2020).

In a class action alleging that the assessment of installment fees in Little Rock District Court, Second Division violated due process, an appeal under Ark. R. Crim. P. 36 would not have provided an adequate procedure for the return of an illegal fee because an appeal would have placed defendant at risk of a harsher sentence solely to avoid the imposition of the unlawfully assessed installment fee.

*City of Little Rock v. Nelson*, 2020 Ark. 34, 592 S.W.3d 633 (2020).

Circuit court properly denied the city a directed verdict in a class action alleging that the assessment of installment fees in Little Rock District Court, Second Division violated due process because the installment fee policy constituted a governmental policy or custom to which municipal liability could attach; the district court judge consulted with deputy city attorneys and others in implementing the policy and the policy was automatically applied to all district court defendants on an installment plan. *City of Little Rock v. Nelson*, 2020 Ark. 34, 592 S.W.3d 633 (2020).

**Illegal Fee.**

Due process violation arising from a district court judge's installment fee policy could be imputed to the city because the judge was an employee of the city since the Little Rock District Court had not yet been reorganized as a state district court at the times relevant to the case; the Little Rock District Court was not part of the state district court program at the time of the events alleged in the complaint. *City of Little Rock v. Nelson*, 2020 Ark. 34, 592 S.W.3d 633 (2020).

**16-13-705. Personal checks.**

(a) A district court shall and a circuit court may accept personal checks drawn in the favor of a designated official, as provided in § 16-13-709, in payment of any fine or associated charge assessed by the district court or circuit court if the person issuing the check furnishes satisfactory proof of residence in this state and if the personal check is drawn on a banking institution located in this state.

(b)(1) If any personal check offered in payment pursuant to this section is returned without payment, for any reason, a reasonable charge for the returned check, not to exceed the actual costs incurred by the court or designated agency, may be imposed to recover processing and collection costs.

(2) This charge may be added to, and become part of, any underlying obligation.

(c) The acceptance of a personal check pursuant to this section constitutes payment of the obligation owed to the court to the extent of the amount of the check as of the date of acceptance when, but not before, the check is duly paid.



**History.** Acts 1995, No. 1262, § 5; in (a), substituted “A district court” for 2021, No. 258, § 2. “The court”; and inserted “and a circuit

**Amendments.** The 2021 amendment, court may” and “district court or circuit”.

### **16-13-706. Credit or debit card payments.**

(a) The court or the agency designated under § 16-13-709 or § 16-92-118 may accept payment of fines and associated costs by an approved credit card or debit card.

(b)(1) The court or designated agency may enter into contracts with credit card companies and pay those companies fees normally charged by those companies for allowing the court to accept their credit cards in payment as authorized by subsection (a) of this section.

(2) When the offender pays fines or court costs by an approved credit card or debit card, the court may assess the offender a transaction fee.

(c)(1) All courts are authorized to enroll for service with and accept payments from a third-party entity for the acceptance and collection of fines and associated costs with an approved credit card for which the third-party entity may charge the offender a transaction fee.

(2) The State of Arkansas or any of its political subdivisions shall not charge a transaction fee for electronic payments of a court-ordered fine paid through a third-party entity.

**History.** Acts 1995, No. 1262, § 6; 2003, No. 1765, § 11; 2009, No. 328, § 3; 2009, No. 782, § 2; 2011, No. 1218, § 3.

### **16-13-707. Lien on property.**

#### **RESEARCH REFERENCES**

**U. Ark. Little Rock L. Rev.** Jessie Time for Poor Arkansans?, 42 U. Ark. Wallace Burchfield, A Ticket to Jail: Do Little Rock L. Rev. 371 (2020).  
Minor Traffic Violations Result in Jail

### **16-13-708. Revocation of registration or license.**

(a)(1) A court may request in writing and under certification that the Department of Finance and Administration revoke, suspend, or refuse to renew the motor vehicle registration or driver's license of a person who has failed to make satisfactory arrangements for the payment of a court-ordered fine.

(2) However, the court shall not make a request to the department as described under subdivision (a)(1) of this section before the court has scheduled a hearing to address the person's nonpayment of the court-ordered fine and the person has failed to appear at the hearing.

(3) The court may issue an order for a restricted driving permit in accordance with § 27-16-916.

(b) For driver's license revocation, suspension, or nonrenewal, the court must provide the department with the reason for the revocation,

suspension, or nonrenewal, the amount the person owes the court, and the person's full name, date of birth, and last known address.

(c) For motor vehicle registration revocation, suspension, or nonrenewal, the court must provide the department with the reason for the revocation, suspension, or nonrenewal, the amount the person owes the court, and the person's full name and the license plate number or vehicle identification number of the person's vehicle.

(d)(1) An acquittal or a dismissal of a charge of failure to pay a fine or failure to appear at a hearing to address nonpayment of a fine that is used as the basis to revoke, suspend, or refuse to renew the person's driver's license or motor vehicle registration shall reverse the revocation of, suspension of, or refusal to renew the person's driver's license or motor vehicle registration under this section.

(2) Upon an acquittal or dismissal of a charge as described in subdivision (d)(1) of this section, the Office of Driver Services shall reinstate the person's driver's license or motor vehicle registration without charging a reinstatement fee, and the charge shall not be used to determine the number of previous offenses when administratively revoking, suspending, or refusing to renew the person's driver's license in the future.

**History.** Acts 1995, No. 1262, § 8; 2021, No. 1049, § 1.

**Amendments.** The 2021 amendment rewrote the section.

## RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Jessie Wallace Burchfield, *A Ticket to Jail: Do Minor Traffic Violations Result in Jail*

*Time for Poor Arkansans?*, 42 U. Ark. Little Rock L. Rev. 371 (2020).

## SUBCHAPTER 10 — SECOND JUDICIAL CIRCUIT

### SECTION.

16-13-1003. Judges and chancellors.

**Effective Dates.** Acts 2019, No. 1003, § 9: July 1, 2019, except § 2. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that certain judicial districts under this act have an immediate need for additional circuit court judges

due to the number of cases pending in the judicial district. Therefore, an emergency is declared to exist, and all Sections except Section 2 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

### 16-13-1003. Judges and chancellors.

(a)(1) The qualified electors of the Second Judicial District shall elect:

(A) Three (3) circuit judges;



(B) Three (3) chancellors;

(C) One (1) circuit-chancery judge; and

(D) One (1) circuit-chancery judgeship.

(2)(A) There is created in the Second Judicial District an additional circuit judgeship which shall have jurisdiction in law, equity, probate, and juvenile matters.

(B)(i) The additional judge shall be elected from the district and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(ii) The judge shall serve for elected terms of six (6) years.

(C) The counties which compose the Second Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subdivision (a)(2)(A) of this section, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes.

(D) There shall be provided for the judge of the circuit judgeship created by subdivision (a)(2)(A) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

(b)(1) The judge of the judgeship created by subdivision (a)(1)(C) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(1)(C) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(3) The circuit-chancery judgeship created by subdivision (a)(1)(D) of this section shall primarily perform the duties of a judge of the juvenile division of chancery court and conduct hearings for the involuntary admission or commitment of persons to the Arkansas State Hospital or any other public or private hospital with a fully trained psychiatrist on the active or consultant staff and shall sit as judge of the circuit, chancery, and probate courts as time permits.

(c) Effective February 27, 1995, the subdistrict 2.2, division 2, and division 3 circuit judgeships shall become circuit-chancery judgeships which shall have jurisdiction in law, equity, and probate.

(d) All circuit judges and all chancery judges of the Second Judicial District which have not already been converted to circuit-chancery judges on February 28, 1997, shall be converted to circuit-chancery judges at the expiration of their present term of office, and, upon election, their successors shall have jurisdiction in law, equity, and probate.





who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(3) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(c) There is created in the Fourth Judicial District an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

**History.** Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1; 2019, No. 1003, § 2.

**Amendments.** The 2019 amendment added (c).

## SUBCHAPTER 14 — SIXTH JUDICIAL CIRCUIT

### SECTION.

16-13-1412. Circuit court probation officers.

### 16-13-1412. Circuit court probation officers.

(a) The circuit judges of the First and Fifth Divisions of the Sixth Judicial District may appoint a chief probation officer and a deputy probation officer.

(b)(1) The duties of the chief probation officer shall include the supervision of all persons on probation, the investigation of all matters referred to him or her by the court relating to the granting of suspended sentences, and the investigation of any other matters that may be referred to him or her by the court.

(2) The deputy probation officer shall perform all duties delegated to him or her by the chief probation officer, and all those referred to him or her by the court.

(3) The chief probation officer and the deputy probation officer, in the performance of their duties, may exercise all the powers of a deputy sheriff, which powers shall include the powers to make arrests, carry weapons, and serve summonses.

(c)(1) The salary of the chief probation officer shall be twenty-five thousand dollars (\$25,000) per calendar year, which salary shall be paid by Pulaski County.

(2) The salary of the deputy probation officer shall be twenty-three thousand five hundred dollars (\$23,500) per calendar year, which salary shall be paid by Pulaski County.

(3) Any probation officer funded through or by the Board of Corrections is specifically excluded from the provisions of this section.

(d) Nothing in the provisions of this section shall be construed to repeal or modify the laws now in effect relating to the duties of the State Parole Officer.

(e)(1) The salaries of the chief probation officer and coordinator probation officers set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; and another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid biweekly by Pulaski County.

(3) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(4) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

**History.** Acts 1985, No. 336, §§ 7-10; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 1, 12-14; 2011, No. 200, § 1.

## SUBCHAPTER 19 — ELEVENTH JUDICIAL CIRCUIT

### SECTION.

16-13-1903. Judges, chancellors, and prosecuting attorney.

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**Effective Dates.** Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncoded sections of this act preceding the emergency clause titled 'Funding and

classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

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### 16-13-1903. Judges, chancellors, and prosecuting attorney.

(a)(1) The qualified electors of the Eleventh Judicial District-West shall elect:

- (A) Two (2) circuit judges;
- (B) Two (2) chancellors;
- (C) One (1) combination circuit-chancery judge;
- (D) One (1) circuit-chancery judge; and
- (E) One (1) prosecuting attorney.



(2) The judge of the circuit-chancery judgeship created for the Eleventh Judicial District-West by subdivision (a)(1)(C) of this section shall devote one-half (½) of his or her time to the chancery and probate proceedings and one-half (½) of his or her time to the circuit proceedings, including, but not limited to:

(A) Presiding over all post-conviction proceedings in the Eleventh Judicial District-West;

(B) Presiding over all matters involving acts committed by inmates of the Division of Correction over which the Eleventh Judicial District-West has jurisdiction; and

(C) Hearing all civil actions filed by inmates of the Division of Correction over which the Eleventh Judicial District-West has jurisdiction.

(3)(A) The judge of the judgeship created by subdivision (a)(1)(D) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(B) The judge of the additional circuit-chancery judgeship created in subdivision (a)(1)(D) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(b) The qualified electors of the Eleventh Judicial District-East shall elect one (1) circuit-chancery court judge, who shall have jurisdiction in law, equity, and probate.

**History.** Acts 1977, No. 432, § 1; 1981, No. 609, § 1; 1983, No. 922, § 15; A.S.A. 1947, § 22-365; Acts 1987, No. 444, §§ 1, 3; 1989, No. 949, § 1; 2019, No. 910, § 852.

**Amendments.** The 2019 amendment substituted "Division of Correction" for "Department of Correction" in (a)(2)(B) and (a)(2)(C).

## SUBCHAPTER 20 — TWELFTH JUDICIAL CIRCUIT

### SECTION.

16-13-2003. Judges and chancellors.

**Effective Dates.** Acts 2019, No. 1003, § 9: July 1, 2019, except § 2. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that certain judicial districts under this act have an immediate need for additional circuit court judges

due to the number of cases pending in the judicial district. Therefore, an emergency is declared to exist, and all Sections except Section 2 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

**16-13-2003. Judges and chancellors.**

(a) The qualified electors of the Twelfth Judicial District shall elect:

- (1) Two (2) circuit judges;
- (2) Two (2) chancellors; and
- (3) One (1) circuit-chancery judge.

(b)(1) In the Twelfth Judicial District there shall be one (1) additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.

(2) Effective July 1, 1991, the circuit-chancery judgeship created by this subsection shall become a circuit judgeship which shall have jurisdiction only in law.

(c) Effective July 1, 1991, there is hereby created an additional chancery judgeship in the Twelfth Judicial District which shall have jurisdiction in equity and probate.

(d)(1) Each judge of the judgeship created by subdivision (a)(3) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the Twelfth Judicial District.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(3) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(e) There is created in the Twelfth Judicial District an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

**History.** Acts 1977, No. 432, § 1; 1981 (1st Ex. Sess.), No. 38, § 1; A.S.A. 1947, §§ 22-365, 22-373; Acts 1989, No. 949, § 1; 1991, No. 97, § 1; 1991, No. 147, § 1; 2019, No. 1003, § 3.

**Amendments.** The 2019 amendment added (e).

**SUBCHAPTER 29 — TWENTY-FIRST JUDICIAL CIRCUIT****SECTION.**

16-13-2903. Circuit court judges.

**Effective Dates.** Acts 2019, No. 1003, § 9: July 1, 2019, except § 2. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that certain judicial districts under this act have an immediate need for additional circuit court judges

due to the number of cases pending in the judicial district. Therefore, an emergency is declared to exist, and all Sections except Section 2 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."



### 16-13-2903. Circuit court judges.

(a) The qualified electors of the Twenty-first Judicial District shall elect two (2) circuit judges.

(b) There is created in the Twenty-first Judicial District a circuit judgeship in addition to the judgeships created under subsection (a) of this section that shall have jurisdiction in law, equity, probate, and juvenile matters.

**History.** Acts 1995, No. 900, § 7; 2019, No. 1003, § 4.

**Amendments.** The 2019 amendment substituted "Circuit court" for "Election

of" in the section heading; added the (a) designation; substituted "circuit" for "circuit-chancery" in (a); and added (b).

## SUBCHAPTER 30 — NINETEENTH JUDICIAL CIRCUIT

### SECTION.

16-13-3002. Judges and chancellors.

**Effective Dates.** Acts 2019, No. 1003, § 9: July 1, 2019, except § 2. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that certain judicial districts under this act have an immediate need for additional circuit court judges

due to the number of cases pending in the judicial district. Therefore, an emergency is declared to exist, and all Sections except Section 2 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

### 16-13-3002. Judges and chancellors.

(a) As of January 1, 1999, the Circuit-Chancery Judge of the Nineteenth Judicial District, who sits as judge of the juvenile division and Division Three of the circuit and chancery courts, is hereby designated as the Circuit-Chancery Judge of the Nineteenth Judicial District-East and shall sit as the judge of the circuit, chancery and probate courts and the juvenile division.

(b) At the 1998 General Election, the qualified electors of the Nineteenth Judicial District-East shall elect the circuit-chancery judge to take office on January 1, 1999.

(c) As of January 1, 1999, the Nineteenth Judicial District-West shall be served by one (1) Circuit Judge of the First Division; one (1) Circuit Judge of the Second Division; one (1) Chancery Judge of the First Division; one (1) Chancery Judge of the Second Division; and an additional circuit-chancery judge who shall perform the duties of the judge of the juvenile division and sit as judge of the circuit, chancery or probate court as time permits. The additional circuit-chancery judge shall be elected in 1998 to take office on January 1, 1999.

(d) As of the 1998 general election, the circuit, chancery, and circuit-chancery judges of the Nineteenth Judicial District-West shall hereafter be elected by qualified electors of the Nineteenth Judicial District-

West. The current chancery judges shall serve the balance of their terms in the Nineteenth Judicial District-West.

(e) There shall be provided for the judge of the circuit-chancery judgeship created by this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit and chancery courts of this state.

(f) All existing laws not in conflict herewith pertaining to the Nineteenth Judicial District shall apply to the Nineteenth Judicial District-East and the Nineteenth Judicial District-West.

(g) The judges of the Nineteenth Judicial District-East and the Nineteenth Judicial District-West may, by agreement, temporarily exchange districts or hold court for each other as they deem necessary or appropriate.

(h)(1) Effective January 1, 2009, there is created in the Nineteenth Judicial District-West an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

(2)(A) The qualified electors of the Nineteenth Judicial District-West shall elect the additional circuit judge created by subdivision (h)(1) of this section at the 2008 preferential primary election to take office on January 1, 2009.

(B) The additional circuit judge shall be elected from the Nineteenth Judicial District-West, shall satisfy the same qualifications for holding office, and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(C) The circuit judge shall serve for elected terms of six (6) years.

(3) The county that composes the Nineteenth Judicial District-West shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subdivision (h)(1) of this section, which shall be paid out of the county treasury in the same manner as other demands against the county and out of funds appropriated by the quorum court of the county for these purposes.

(4) There shall be provided for the judge of the circuit judgeship created by subdivision (h)(1) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

(i) There is created in the Nineteenth Judicial District-West an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

**History.** Acts 1997, No. 797, § 2; 2007, No. 168, § 5; 2019, No. 1003, § 5.

**Amendments.** The 2019 amendment added (i).

## SUBCHAPTER 31 — SEVENTH AND TWENTY-SECOND JUDICIAL CIRCUITS

### SECTION.

16-13-3107. Prosecuting attorneys.



### 16-13-3107. Prosecuting attorneys.

(a) The qualified electors of Saline County shall elect a person who shall serve as the prosecuting attorney for the Twenty-Second Judicial District.

(b) The qualified electors of Hot Spring County and Grant County shall elect a person who shall serve as the prosecuting attorney for the Seventh Judicial District.

**History.** Acts 1997, No. 827, § 8; 1999, No. 7, § 7; 2011, No. 1132, § 7.

## SUBCHAPTER 32 — EIGHTH JUDICIAL CIRCUIT

### SECTION.

16-13-3205. Prosecuting attorneys.

### 16-13-3205. Prosecuting attorneys.

(a) The qualified electors of Hempstead and Nevada counties shall elect a person who shall serve as the prosecuting attorney for the Eighth Judicial District-North.

(b) The qualified electors of Lafayette and Miller counties shall elect a person who shall serve as the prosecuting attorney for the Eighth Judicial District-South.

**History.** Acts 1997, No. 1270, § 7; 2011, No. 1132, § 8.

## SUBCHAPTER 33 — TRIAL COURT ADMINISTRATORS

### SECTION.

- 16-13-3301. Trial court administrators made state employees.
- 16-13-3302. Trial court administrator position created.
- 16-13-3303. Salaries for trial court administrators.

### SECTION.

- 16-13-3304. Trial court administrators — Reimbursement for expenses.
- 16-13-3305. Trial court administrators — Credit for county service.

**Effective Dates.** Acts 2015, No. 268, § 16: July 1, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one-year period; that the act entitled 'AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ADMINISTRATIVE OFFICE OF THE COURTS FOR THE OFFICIAL COURT REPORTERS AND

TRIAL COURT ADMINISTRATORS OF THE CIRCUIT COURTS FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND FOR OTHER PURPOSES.' requires the passage of this act; that the effectiveness of this act on July 1, 2015, is essential to the operation of the Administrative Office of the Courts, and that in the event of an extension of the legislative session, the delay in the effective date of this act beyond July 1, 2015, could work irreparable harm upon the proper administration and provision of essential government-

tal programs. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect on and after July 1, 2015.”

Acts 2019, No. 716, § 13: July 1, 2019. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the

agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019.”

### **16-13-3301. Trial court administrators made state employees.**

(a) A trial court administrator of a circuit court is an employee of the State of Arkansas.

(b) The Administrative Office of the Courts is responsible for the financial oversight of the trial court administrators employed by the circuit court, which includes without limitation:

- (1) Biennial and annual budget requests;
- (2) Relevant budget activities;
- (3) Monitoring expenses;
- (4) Travel;
- (5) Substitute expenses;
- (6) Indigent transcript payments; and
- (7) Ensuring projected annual expenditures do not exceed total available funding.

(c) The office, with the assistance of the Arkansas Judicial Council, Inc., shall establish an official procedure or rules for:

- (1) The hiring of trial court administrators;
- (2) The termination of trial court administrators; and
- (3) Salary adjustments for trial court administrators.

**History.** Acts 2015, No. 268, § 10; added (b) and (c) and designated the former section as (a).  
2019, No. 716, § 9.

**Amendments.** The 2019 amendment

### **16-13-3302. Trial court administrator position created.**

(a)(1) The position of trial court administrator is authorized and funds shall be appropriated to the Administrative Office of the Courts from the State Administration of Justice Fund to provide one (1) trial court administrator for each of the circuit judges.

(2)(A) The trial court administrator may be employed to assist the circuit judge in the administration and management of the circuit court.

(B)(i) The office shall create and maintain a detailed job description for the trial court administrator position.



(ii) The job description may be used by a circuit judge for the hiring, evaluation, and management of a trial court administrator.

(3) Each circuit judge shall report to the office his or her intention to employ a trial court administrator.

(4) Two (2) or more circuit judges within a judicial district may employ jointly, within their discretion, one (1) trial court administrator if coordinated with the office.

(b)(1) A circuit judge authorized by subsection (a) of this section to employ a trial court administrator may select and hire the trial court administrator.

(2) The trial court administrator shall serve at the will and pleasure of the circuit judge.

(c)(1) Except as provided in subdivision (c)(2) of this section, a county shall not supplement the base salary of a trial court administrator.

(2) If a county with quorum court approval employed a trial court administrative assistant on or before July 1, 2014, and supplemented his or her base salary under former § 16-10-133, the county shall continue to provide the supplement so long as the now titled trial court administrator continues to be employed by the county in that position.

(d)(1) Notwithstanding the exemption provided by § 21-4-203, the circuit judge employing a trial court administrator shall administer the attendance and leave policies for the trial court administrator in the manner prescribed for state employees by the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq.

(2) The trial court administrator shall forward all approved requests for leave to the office on a regular and timely basis for payroll purposes.

(3) The office shall prescribe the procedures for obtaining all relevant leave information, including without limitation the forms, method of transmittal, and format for obtaining the leave information.

**History.** Acts 2015, No. 268, § 10.

### **16-13-3303. Salaries for trial court administrators.**

(a) The salary of a trial court administrator shall:

(1) Be exempt from the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq.;

(2) Not exceed the maximum annual salary rate authorized by the General Assembly in the applicable appropriation act; and

(3) Be determined by the Administrative Office of the Courts.

(b) The salaries, together with expenses authorized by law for trial court administrators to be paid from state funds, shall be paid with moneys appropriated by the General Assembly from the Trial Court Administrator Fund.

(c) The total amount of salaries paid to trial court administrators and other distributions of the Trial Court Administrator Fund shall not exceed:

(1) The total annual allocation authorized by the General Assembly from the State Administration of Justice Fund to the Trial Court Administrator Fund; and

(2) Any remaining balances in the Trial Court Administrator Fund.

**History.** Acts 2015, No. 268, § 10.

#### **16-13-3304. Trial court administrators — Reimbursement for expenses.**

(a)(1) A trial court administrator of a circuit court is entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs for attending court away from the trial court administrator's official station.

(2) Notwithstanding the exemption from state travel rules provided by § 19-4-904, if a trial court administrator uses a personal vehicle for transportation, he or she is entitled to reimbursement for mileage at the same rate prescribed by the Department of Finance and Administration for executive branch employees.

(b) Reimbursements for actual expenses and mileage under subsection (a) of this section shall be made monthly by the Administrative Office of the Courts upon claims by the respective trial court administrators certified by the circuit judge.

**History.** Acts 2015, No. 268, § 10; substituted "rules" for "regulations" in 2019, No. 315, § 1297.

(a)(2).

**Amendments.** The 2019 amendment

#### **16-13-3305. Trial court administrators — Credit for county service.**

A trial court administrator who converted on July 1, 1996, from county employment to state employment and was employed under former § 16-10-134 shall be given credit for his or her length of service with the county for purposes of accrual rates for sick leave and annual leave and attainment of career service recognition awards.

**History.** Acts 2015, No. 268, § 10.

## **CHAPTER 15**

### **COUNTY COURTS**

#### **16-15-111. Disqualification of judges.**

#### **RESEARCH REFERENCES**

**U. Ark. Little Rock L. Rev.** Elizabeth James, Note: Confusion, Clarification and Continued Considerations: A Closer Look at Arkansas's Judicial Disqualification Rules in Light of *Ferguson v. State*, 40 U. Ark. Little Rock L. Rev. 283 (2017).



## CHAPTER 17

### DISTRICT COURTS

#### SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ESTABLISHMENT IN CITIES OF 2,400 OR MORE AND COUNTY SEAT TOWNS OF LESS THAN 2,400.
7. DISTRICT COURT CIVIL JURISDICTION ACT.
8. APPEALS.
9. JUDICIAL DISTRICTS — JUDGES FOR DISTRICT COURTS.
11. STATE DISTRICT COURTS.
12. CITY COURT CONSOLIDATION.

#### SUBCHAPTER 1 — GENERAL PROVISIONS

##### SECTION.

- 16-17-106. Deputy district court clerks generally.
- 16-17-108. Salaries of personnel and other requirements of various district courts.
- 16-17-115. County's, town's, and city's portion of district court expenses — Appropriation.
- 16-17-124. Fee for appeal transcript — Disposition.
- 16-17-126. Fee for filing and issuing writs — Disposition — Fee for issuing summons.
- 16-17-127. Contractors providing certain services — Definition.

##### SECTION.

- 16-17-129. Levy to defray cost of incarcerating city and county prisoners.
- 16-17-131. Failure to appear — Required appearance — Suspension of driver's license.
- 16-17-134. [Repealed.]
- 16-17-136. Waiver of appearance and entry of plea to traffic violations in district court.
- 16-17-137. Jurisdiction over certain criminal matters.
- 16-17-138. Mandatory holding of court for departments of a district court.

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**Effective Dates.** Acts 2011, No. 1191, Section 18 [17] of this act is January 1, § 18: Jan. 1, 2012. "The effective date of 2012."

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#### 16-17-106. Deputy district court clerks generally.

(a)(1) The judge of the district court of any city in this state may, with the approval of the governing body of the city, appoint one (1) or more deputy district court clerks to serve under the judge's supervision.

(2) The deputy district court clerk employed by a city or county is governed by the employee handbook and policies of the city or county.

(3) If a deputy district court clerk is employed by more than one (1) city or county, then the employing cities, counties, or both, shall determine by written agreement the apportionment of expenses and the applicable employee handbook and policies.

(4) The district court judge shall ensure compliance with the applicable employee handbook, policies, procedures, practices, ordinances, and resolutions of the city or county, or both, consistent with Canon 2 of the Arkansas Code of Judicial Conduct.

(b)(1) The salary of a deputy district court clerk may be less than, but not more than, the salary paid to the district court clerk.

(2) The salary designated for the office of district court clerk may be apportioned by the city council between and among the district court clerks and any deputy district court clerks.

(c) A deputy district court clerk may perform all duties and exercise all powers granted to the district court clerk and shall post bond in the same manner and amount as required of the district court clerk.

**History.** Acts 1971, No. 157, § 1; A.S.A. 1947, § 22-713.1; Acts 2015, No. 587, § 1.

### **16-17-108. Salaries of personnel and other requirements of various district courts.**

(a) Unless otherwise provided by law, the salaries of the judges and other personnel of the various district courts shall be established as follows:

(1)(A) The Arkansas County District Court — Northern District Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than fifty thousand dollars (\$50,000), the district court clerk shall receive an annual salary of not less than thirteen thousand eight hundred thirty-four dollars and ninety-two cents (\$13,834.92) nor more than forty-four thousand dollars (\$44,000), and the deputy court clerk shall receive an annual salary of not less than eleven thousand four hundred seventy-five dollars (\$11,475) nor more than thirty-one thousand dollars (\$31,000).

(B) The salaries shall be as determined by the governing body of the City of Stuttgart and the Arkansas County Quorum Court and paid one-half (½) by the city and one-half (½) by the county;

(2) The Arkansas County District Court — Southern District Judge shall receive an annual salary of not less than twenty-five thousand dollars (\$25,000), the district court clerk shall receive an annual salary of not less than twenty thousand dollars (\$20,000), and the deputy clerk shall receive an annual salary of not less than twenty-three thousand dollars (\$23,000). The salaries shall be determined by the governing body of the City of DeWitt and the Arkansas County Quorum Court and paid one-half (½) by the city and one-half (½) by the county;

(3)(A) The Ashley County District Court — Crossett Department Clerk shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than thirty-five thousand dollars (\$35,000).

(B) The salary shall be in an amount within the range prescribed in this subdivision (a)(3), as agreed upon by the Ashley County Quorum Court and the governing body of the City of Crossett;

(4)(A) The Ashley County District Court — Hamburg Department Clerk shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than thirty-five thousand dollars (\$35,000).



(B) The salary shall be in an amount within the range prescribed in this subdivision (a)(4), as agreed upon by the Ashley County Quorum Court and the governing body of the City of Hamburg;

(5) The Baxter County District Court Clerk shall receive compensation in an amount as may be provided by the City of Mountain Home and the Baxter County Quorum Court. The salary shall be paid one-half ( $\frac{1}{2}$ ) by the City of Mountain Home and one-half ( $\frac{1}{2}$ ) by Baxter County;

(6)(A) The Calhoun County District Court Clerk shall receive an annual salary of not less than twelve thousand dollars (\$12,000).

(B) The salary shall be determined by the Hampton City Council and the Calhoun County Quorum Court and shall be paid by the City of Hampton and Calhoun County in equal monthly installments;

(7)(A)(i) The Chicot County District Court — Dermott Department Clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than thirty-five thousand dollars (\$35,000).

(ii) However, the district court clerk's position may be a full-time or part-time position.

(B) The salary shall be in an amount within the range prescribed in subdivision (a)(7)(A)(i) of this section as agreed upon by the Chicot County Quorum Court and the governing body of the City of Dermott.

(C) The salary of the district court clerk shall be paid as follows:

(i) Fifty percent (50%) to be paid by the City of Dermott; and

(ii) Fifty percent (50%) to be paid by Chicot County;

(8)(A) The Chicot County District Court — Eudora Department Clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than thirty-five thousand dollars (\$35,000).

(B) The salary shall be in an amount within the range prescribed in subdivision (a)(8)(A) of this section as agreed upon by the Chicot County Quorum Court and the governing body of the City of Eudora.

(C) The salary of the district court clerk shall be paid as follows:

(i) Fifty percent (50%) to be paid by the City of Eudora; and

(ii) Fifty percent (50%) to be paid by Chicot County;

(9)(A)(i) The Chicot County District Court — Lake Village Department Clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than thirty-five thousand dollars (\$35,000).

(ii) If authorized by the governing body of the City of Lake Village and the Chicot County Quorum Court, the district court judge shall be authorized to employ a full-time or part-time deputy district court clerk at an annual salary of not less than five thousand dollars (\$5,000) nor more than twenty-three thousand dollars (\$23,000).

(iii) The salaries shall be in an amount within the range prescribed in this subdivision (a)(9)(A), as agreed upon by the Chicot County Quorum Court and the governing body of the City of Lake Village.

(B) The salary of the district court clerk shall be paid as follows:

(i) Fifty percent (50%) to be paid by the City of Lake Village; and

(ii) Fifty percent (50%) to be paid by Chicot County;

(10) The Clark County District Court Clerk shall receive an annual salary of not less than thirty-eight thousand dollars (\$38,000) nor more than forty-five thousand dollars (\$45,000), to be established annually by the Clark County Quorum Court. Upon approval by the Clark County Quorum Court, the Clark County District Court Judge may appoint one (1) deputy district court clerk to receive a salary as established by the Clark County Quorum Court;

(11)(A) The clerks of the district courts in Clay County shall receive an annual salary of not less than four thousand five hundred dollars (\$4,500) nor more than eighteen thousand dollars (\$18,000), to be paid, as well as other current benefits, in equal monthly installments by Clay County.

(B) Fifty percent (50%) of the amount in each respective department shall be reimbursed by the City of Corning, the City of Piggott, and the City of Rector at eighteen and five-tenths percent (18.5%), eighteen and five-tenths percent (18.5%), and thirteen percent (13%), respectively, to the county treasury;

(12)(A) The Cleveland County District Court Clerk shall receive an annual salary of not less than twelve thousand dollars (\$12,000).

(B) The salary shall be determined by the Rison City Council and the Cleveland County Quorum Court;

(13) Necessary expenses appropriated for the Craighead County District Court shall be apportioned among and paid to the county from the respective cities of the first class and cities of the second class, incorporated towns, and the government of Craighead County as a prorated amount based on the number of cases filed from each of the towns and cities and the county during the preceding calendar year;

(14) The Cross County District Court employees' salaries shall be as determined by the governing body of the City of Wynne, the City of Cherry Valley, and the City of Parkin, for the cities' respective departments;

(15)(A) The Dallas County District Court Clerks shall receive an annual salary of not less than fifteen thousand dollars (\$15,000).

(B) The salaries shall be determined by the Fordyce City Council and the Dallas County Quorum Court, and the salaries shall be paid by the City of Fordyce and Dallas County in equal monthly installments;

(16)(A) The Desha County District Court — Dumas Department Clerk shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than thirty-five thousand dollars (\$35,000), and the deputy district clerk shall receive an annual salary of not less than fourteen thousand five hundred dollars (\$14,500) nor more than thirty-five thousand dollars (\$35,000).

(B) The salary shall be paid one-half ( $\frac{1}{2}$ ) by the Desha County Quorum Court and one-half ( $\frac{1}{2}$ ) by the City of Dumas and shall be determined by the Desha County Quorum Court and the governing body of the City of Dumas;



(17) The Desha County District Court — McGehee Department Clerk shall be employed and paid by the City of McGehee at such a salary as the governing body of the City of McGehee shall determine;

(18) The Washington County District Court — Elkins Department Clerk shall receive an annual salary of not less than ten thousand dollars (\$10,000) nor more than fifty thousand dollars (\$50,000);

(19)(A)(i) The Fulton County District Court Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than forty-five thousand dollars (\$45,000).

(ii) The annual salary of the Fulton County District Court Clerk shall be not less than seventeen thousand seven hundred forty-eight dollars (\$17,748) nor more than thirty-five thousand dollars (\$35,000).

(B)(i) The expense of salaries, along with all other necessary and customary expenses of the court, shall be shared by Fulton County, the City of Salem, and the City of Mammoth Spring, based on a percentage of the actual number of cases handled through the court for each governmental entity.

(ii) The percentage shall be determined annually by dividing the total number of cases handled by the district court into the number of cases handled annually for each of the aforementioned governmental entities.

(iii) On January 1 of each year, each share shall be estimated based on the number of cases handled by the district court for each of the respective governmental entities for the preceding year.

(iv) However, on December 31 of each year, each share shall be adjusted to reflect the actual percentage for each governmental entity for that year based on the actual case load.

(C) The salaries and expenses shall be paid in equal monthly installments by Fulton County, and the City of Salem and the City of Mammoth Spring shall reimburse the county on a monthly basis for their respective shares of salaries and expenses;

(20)(A) The Garland County District Court Clerk shall receive an annual salary of not less than twenty-six thousand dollars (\$26,000) nor more than sixty-eight thousand four hundred dollars (\$68,400).

(B) The salary shall be determined by the governing body of the City of Hot Springs and the Garland County Quorum Court;

(21)(A) The Grant County District Court Clerk shall receive an annual salary of not less than twenty-one thousand dollars (\$21,000) nor more than thirty-six thousand dollars (\$36,000), as approved by the Grant County Quorum Court.

(B) The district court clerk's salary shall be paid as follows:

(i) Twenty-seven percent (27%) to be paid by the City of Sheridan; and

(ii) Seventy-three percent (73%) to be paid by Grant County;

(22)(A) The Greene County District Court — Paragould District Clerk shall receive an annual salary of not less than nineteen thousand eight hundred fifty-six dollars (\$19,856) nor more than fifty

thousand dollars (\$50,000), the chief deputy district court clerk shall receive an annual salary of not less than sixteen thousand six hundred twenty-four dollars (\$16,624) nor more than forty thousand dollars (\$40,000), and the deputy district court clerk shall receive an annual salary of not less than thirteen thousand three hundred fourteen dollars (\$13,314) nor more than thirty-five thousand dollars (\$35,000).

(B) The salaries shall be determined by the Greene County Quorum Court and the governing body of the City of Paragould and shall be paid in twelve (12) equal monthly installments;

(23)(A) The Hempstead County District Court Clerk shall receive an annual salary of not less than thirty-six thousand dollars (\$36,000) nor more than forty-five thousand dollars (\$45,000).

(B) The amount of the salary shall be determined by agreement between the governing body of the City of Hope and the Hempstead County Quorum Court;

(24) The Hot Spring County — Malvern Department District Court Judge shall be entitled to an additional deputy district court clerk whose salary shall be determined by the governing body of the City of Malvern and the Hot Spring County Quorum Court, and the salary shall be paid by the city and county in the same proportion as the city and county shared in the revenues generated by the court in the previous year;

(25)(A)(i) The Howard County District Court Judge shall have an annual salary of not less than twenty-one thousand dollars (\$21,000).

(ii) The Howard County District Court Clerk shall receive an annual salary of not less than twelve thousand dollars (\$12,000) nor more than forty thousand dollars (\$40,000), unless provided for otherwise by ordinance of the Howard County Quorum Court and the governing body of the City of Nashville.

(B) The salaries are to be paid one-half ( $\frac{1}{2}$ ) by the City of Nashville and one-half ( $\frac{1}{2}$ ) by Howard County;

(26)(A) The Izard County District Court Judge shall receive an annual salary of not less than ten thousand two hundred dollars (\$10,200) nor more than forty-two thousand dollars (\$42,000), and the district court clerk shall receive an annual salary of not less than seven thousand four hundred dollars (\$7,400) nor more than thirty-three thousand dollars (\$33,000).

(B) However, the salaries shall be subject to the approval of the Melbourne City Council and the Izard County Quorum Court;

(27) The Jacksonville District Court Clerk shall receive an annual salary of not less than thirty-three thousand nine hundred thirty-seven dollars (\$33,937) nor more than thirty-six thousand nine hundred dollars (\$36,900);

(28)(A) The Newton County District Court — Jasper Department District Court Clerk shall receive an annual salary of not less than twenty-eight thousand six hundred dollars (\$28,600) nor more than thirty-five thousand dollars (\$35,000).



(B) All salaries and all other expenses of the office shall be paid one hundred percent (100%) by the county;

(29) The Jefferson County District Court clerks for Division 1 and Division 2 shall receive annual salaries of not less than thirty-one thousand dollars (\$31,000) nor more than fifty-four thousand dollars (\$54,000), as may be approved by the Jefferson County Quorum Court and the governing body of the City of Pine Bluff;

(30) The expenses related to the operation of the Johnson County District Court are to be divided among the county and all cities within the county based on the percentage of the total fine money collected during the year by each participating entity;

(31)(A) The Lafayette County — Lewisville Department District Court Clerk shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than thirty-five thousand dollars (\$35,000), and the City of Lewisville shall pay to the district court clerk at least eight thousand eight hundred dollars (\$8,800) but not more than fourteen thousand dollars (\$14,000) of the salary, and Lafayette County shall pay to the district court clerk not less than thirteen thousand two hundred dollars (\$13,200) but not more than twenty-one thousand dollars (\$21,000) of the salary.

(B) The amount and manner of payment of the salary of the district court clerk may be established within the ranges specified in subdivision (a)(31)(A) of this section by mutual agreement of the Lafayette County Quorum Court and the Lewisville City Council, as well as the amount and manner of payment of all other expenses of operation of the Lafayette County — Lewisville Department District Court;

(32)(A) The Little River County District Court Judge shall receive an annual salary of not less than forty thousand dollars (\$40,000) nor more than seventy-five thousand dollars (\$75,000), as determined by the governing body of the City of Ashdown and the Little River County Quorum Court.

(B) The salary shall be paid sixty-two percent (62%) by Little River County and thirty-eight percent (38%) by the City of Ashdown, unless otherwise agreed by the Little River County Quorum Court and the governing body of the City of Ashdown;

(33)(A) Necessary expenses appropriated by the City of Lonoke for the Lonoke County District Court shall be apportioned among and paid to the City of Lonoke by the cities of the first class, cities of the second class, incorporated towns, and the county as a prorated amount based on the number of cases filed from each of the cities of the first class, cities of the second class, incorporated towns, and the county during the preceding year.

(B) An itemized bill shall be prepared by the City of Lonoke fixing the apportioned expenses, and payment shall be made no later than sixty (60) days following the submission by the City of Lonoke of the bills;

(34)(A) The Maumelle District Court Clerk shall receive an annual salary of not less than seventeen thousand five hundred dollars (\$17,500) nor more than fifty thousand dollars (\$50,000).

(B) The salary of the district court clerk shall be as determined by the City of Maumelle Board of Directors;

(35)(A) The Miller County District Court shall have two (2) departments, the City of Texarkana Department and the Miller County Department.

(B) The Miller County District Court — City of Texarkana Department shall hear all civil and criminal cases arising out of violations of city ordinances and those cases arising out of violations of state laws committed within the corporate limits of the City of Texarkana and all other cases in controversy arising within the corporate limits of the city within the jurisdiction of a district court as established by law. The Miller County District Court — City of Texarkana Department shall have a chief district court clerk whose salary shall be paid by the City of Texarkana in an amount to be determined by its governing body.

(C) The Miller County District Court — Miller County Department shall hear all civil and criminal cases arising out of violations of any of the laws of the state committed outside the corporate limits of the City of Texarkana and all other cases in controversy arising outside the corporate limits of the city within the jurisdiction of a district court as established by law. The Miller County District Court — Miller County Department shall have a chief district court clerk whose salary shall be paid by Miller County in an amount to be determined by its quorum court;

(36) The Monroe County District Court — Brinkley Department Judge shall receive an annual salary of not less than ten thousand two hundred dollars (\$10,200) nor more than forty thousand dollars (\$40,000), and the Monroe County District Court — Brinkley Department Court Clerk shall receive an annual salary of not less than ten thousand four hundred eighty-eight dollars (\$10,488) and not more than thirty-seven thousand five hundred dollars (\$37,500);

(37) The Monroe County District Court — Clarendon Department Judge shall receive an annual salary of not less than four thousand eight hundred dollars (\$4,800) and the Monroe County District Court — Clarendon Department Clerk shall receive an annual salary of not less than eight thousand nine hundred eighty-eight dollars (\$8,988);

(38)(A) The Montgomery County District Court clerk shall receive an annual salary of not less than nineteen thousand dollars (\$19,000) nor more than twenty-seven thousand dollars (\$27,000), and the district court secretary shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-two thousand dollars (\$22,000).

(B) Montgomery County shall pay eighty percent (80%) of the salaries, and the City of Mt. Ida shall pay twenty percent (20%) of the salaries;



(39)(A) The Nevada County District Court Clerk salary shall be not less than twenty-nine thousand dollars (\$29,000) nor more than thirty-seven thousand dollars (\$37,000).

(B) The salary for the district court clerk shall be established within these ranges by the Nevada County Quorum Court and the Prescott City Council, and the salary shall be paid sixty percent (60%) by Nevada County and forty percent (40%) by the City of Prescott. The salary shall be paid in equal monthly installments;

(40)(A) The North Little Rock District Court Judges, Divisions 1 and 2, are each authorized to employ a chief district court clerk, whose salary shall be at least thirty-two thousand five hundred dollars (\$32,500), a deputy district court clerk, whose salary shall be at least thirty-two thousand dollars (\$32,000), and two (2) district court clerks, whose salaries shall each be at least twenty thousand dollars (\$20,000).

(B) The North Little Rock District Court Judges, Divisions 1 and 2, subject to the approval of the governing body of North Little Rock, may each employ an additional district court clerk whose salary shall be at least twenty thousand dollars (\$20,000);

(41) The Pike County District Court Judge shall receive an annual salary of not less than six thousand dollars (\$6,000) nor more than thirty thousand dollars (\$30,000), and the district court clerk shall receive an annual salary of not less than three thousand dollars (\$3,000) nor more than thirty-five thousand dollars (\$35,000). Seventy-five percent (75%) of the salaries shall be paid by Pike County, and twenty-five percent (25%) shall be paid by the City of Murfreesboro;

(42)(A) The salary of the Poinsett County District Court Clerk of each department will be as determined by the Poinsett County Quorum Court and the governing body of each municipality where the department is located.

(B) The salary of each district court clerk shall be payable one-half (½) by Poinsett County and one-half (½) by the municipality.

(C) Each municipality shall receive from the county each month the county's share of the district court clerk's salaries;

(43) The Pope County District Court Clerk shall receive an annual salary of not less than twenty-three thousand dollars (\$23,000) nor more than fifty thousand dollars (\$50,000), the chief deputy district court clerk of the court shall receive an annual salary of not less than eighteen thousand five hundred dollars (\$18,500) nor more than forty-one thousand dollars (\$41,000), and the deputy district court clerk of the court shall receive an annual salary of not less than sixteen thousand five hundred dollars (\$16,500) nor more than thirty-four thousand dollars (\$34,000);

(44) The Washington County District Court — Prairie Grove Department Clerk shall receive an annual salary of not less than twelve thousand five hundred dollars (\$12,500) nor more than fifty-one thousand dollars (\$51,000);

(45) The Pulaski County District Court Clerk shall receive an annual salary of not less than fifty-two thousand eight hundred sixty-eight

dollars (\$52,868) nor more than seventy-eight thousand nine hundred thirty-eight dollars (\$78,938), and the district court bailiff shall receive an annual salary of not less than thirty-two thousand dollars (\$32,000) nor more than fifty-five thousand three hundred fifty-five dollars (\$55,355);

(46)(A) The Saline County District Court — Benton Department Clerk shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than fifty-six thousand dollars (\$56,000).

(B) The salary shall be as determined by the governing body of the City of Benton and the Saline County Quorum Court;

(47)(A) The Scott County District Court clerk shall receive an annual salary of not less than nineteen thousand dollars (\$19,000) nor more than thirty-two thousand dollars (\$32,000).

(B) The salary shall be subject to the approval of the Waldron City Council and the Scott County Quorum Court and shall be paid in equal monthly installments, one-half ( $\frac{1}{2}$ ) to be paid by the City of Waldron and one-half ( $\frac{1}{2}$ ) to be paid by Scott County;

(48)(A) The Searcy County District Court — Marshall Department clerks shall receive an annual salary of not less than twenty-four thousand seven hundred twenty dollars (\$24,720) nor more than thirty thousand dollars (\$30,000), as determined by the Searcy County Quorum Court and the governing body of the City of Marshall by ordinances or resolutions adopted by the respective bodies.

(B) The salaries of the district court clerks shall be paid fifty percent (50%) by Searcy County and fifty percent (50%) by the City of Marshall.

(C) The salaries shall be paid in equal monthly installments;

(49)(A) The Sebastian County District Court — Fort Smith District Judges, Departments 1, 2, and 3, shall jointly appoint a qualified elector of the state to serve as district court clerk.

(B)(i) The district court clerk shall have at least five (5) years' previous experience as a court clerk or deputy court clerk or equivalent education, training, and experience as determined by the Director of Human Resources for the City of Fort Smith.

(ii) Appointment and removal of the district court clerk shall be in conformance with the City of Fort Smith's current personnel policies in place at the time of appointment and removal of the district court clerk.

(C) The salaries of the district court clerk, deputy district court clerks, court personnel, and any special district court judges authorized by this subdivision (a)(49) and the operating expenses of the Sebastian County District Court — Fort Smith District shall be paid seventy percent (70%) by the City of Fort Smith and thirty percent (30%) by Sebastian County;

(50)(A) The Sebastian County District Court — Greenwood District salaries of the district court clerk and the district court clerk's deputies shall be set by the Sebastian County Quorum Court.

(B) The salaries shall be paid ninety percent (90%) by Sebastian County and ten percent (10%) by the City of Greenwood.



(C) In order to defray the expenses of operating the Sebastian County District Court — Greenwood District, ninety percent (90%) of the Sebastian County net fines, ten percent (10%) of the City of Greenwood net fines, and fifteen percent (15%) of all other cities' net fines processed by the Sebastian County District Court — Greenwood District may or shall be deposited into a bank account entitled the "Greenwood District Court Operating Fund" to be administered by the Sebastian County District Court — Greenwood District Judge under a budget approved as follows:

(i) The district court judge shall submit a proposed annual budget to a committee composed of the members of the quorum court that represent the Greenwood District of Sebastian County;

(ii) The committee shall approve the district court judge's budget or formulate a reasonable budget that shall be approved by the Sebastian County Quorum Court, unless found by a majority of the quorum court to be clearly excessive; and

(iii) If funds provided from the fines as set out in this subdivision (a)(50) become insufficient or excessive, the committee shall adjust the percentage of fines on a pro rata basis to increase or decrease the funds necessary to operate the district court pursuant to the budget established in this subdivision (a)(50).

(D) The Sebastian County District Court Judge — Greenwood District shall be bonded in accordance with §§ 19-1-401 — 19-1-403; (51)(A) The Sevier County District Court Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than eighty percent (80%) of the annual salary established by law for circuit court judges.

(B) The Sevier County District Court Clerk shall have an annual salary of not less than fourteen thousand dollars (\$14,000).

(C) The salaries, expenses, and operating costs of the Sevier County District Court shall be paid equally by the City of DeQueen and Sevier County;

(52)(A) The Sherwood District Court Clerk shall receive an annual salary of not less than fifty thousand dollars (\$50,000) nor more than seventy-five thousand dollars (\$75,000).

(B) The salary shall be determined by the governing body of the City of Sherwood;

(53)(A) The Stone County District Court Judge shall receive an annual salary of not less than eight thousand dollars (\$8,000) nor more than thirty thousand dollars (\$30,000), and the district court clerk shall receive an annual salary of not less than six thousand dollars (\$6,000) nor more than twenty-three thousand dollars (\$23,000).

(B) The salaries shall be subject to the approval of the Mountain View City Council and the Stone County Quorum Court;

(54) The Van Buren County District Court — Clinton Department Clerk and any district court clerk deputy salaries shall be apportioned between the county and any city in the county by agreement between the respective governing bodies;

(55) The Washington County District Court — West Fork Department annual salary for each district court clerk shall be not less than twelve thousand five hundred dollars (\$12,500) nor more than sixty thousand dollars (\$60,000);

(56) The White County District Court — Beebe Department Clerk shall receive an annual salary of not less than twenty-five thousand two hundred ten dollars (\$25,210) nor more than forty thousand nine hundred ninety dollars (\$40,990); and

(57)(A) The Wrightsville District Court Clerk shall receive an annual salary of not less than ten thousand nine hundred twenty-six dollars (\$10,926) nor more than twenty thousand dollars (\$20,000).

(B) The salary shall be determined by the City of Wrightsville Board of Directors.

(b) The local salary supplement paid to a district court judge under § 16-17-115(c) shall not be used when calculating the salary established in this section.

**History.** Acts 1989, No. 425, §§ 1, 2; 1989, No. 443, § 3; 1989, No. 706, § 3; 1989, No. 873, § 1; 1989 (3rd Ex. Sess.), No. 13, § 1; 1989 (3rd Ex. Sess.), No. 29, § 1; 1989 (3rd Ex. Sess.), No. 67, §§ 1-6; 1991, No. 35, § 1; 1991, No. 715, §§ 1, 4; 1991, No. 982, § 1; 1991, No. 1152, § 1; 1992 (1st Ex. Sess.), No. 3, § 1; 1992 (1st Ex. Sess.), No. 6, § 1; 1992 (1st Ex. Sess.), No. 33, §§ 1, 3; 1992 (1st Ex. Sess.), No. 39, § 1; 1993, No. 1260, § 1; 1994 (2nd Ex. Sess.), No. 29, § 4; 1995, No. 1346, § 1; 1995 (1st Ex. Sess.), No. 13, § 6; 1997, No. 424, § 1; 1997, No. 1349, § 1; 1999, No. 1470, § 1; 2001, No. 1714, § 1; 2003, No. 1475, § 1; 2005, No. 1814, § 1;

2005, No. 2194, § 1; 2005, No. 2220, § 1; 2007, No. 737, § 1; 2009, No. 1446, § 1; 2011, No. 15, § 1; 2011, No. 1191, §§ 1-17; 2013, No. 1346, § 1; 2015, No. 1064, § 1; 2015, No. 1072, § 1; 2017, No. 657, § 1; 2019, No. 786, § 1; 2021, No. 454, § 1.

**Amendments.** The 2017 amendment rewrote (a); deleted former (b); and redesignated former (c) as (b).

The 2019 amendment rewrote (a)(1)(A), (a)(2), (a)(19)(A), (a)(22), (a)(23)(A), (a)(24)(A), (a)(26)(A), (a)(28)(A), (a)(29)(A), (a)(35)(A), (a)(36), (a)(61), (a)(66)(A), (a)(70), and (a)(74); and repealed (a)(54).

The 2021 amendment rewrote the section.

## **16-17-115. County's, town's, and city's portion of district court expenses — Appropriation.**

(a) Except as authorized otherwise, the county in which a district court is held shall pay one-half (½) of the salaries of the district court judge and each chief district court clerk of any district court organized in that county under § 16-17-901 et seq., and the quorum court in a county subject to § 16-17-901 et seq. at its annual meeting shall make an appropriation of a sum sufficient to pay the county's proportion of the expenses of any such district court. These payments shall be made out of the general revenues of the county.

(b)(1)(A) Except as authorized otherwise, the town or city in which a district court is held shall pay:

(i) One-half (½) of the salaries of the district court judge and the chief district court clerk; and

(ii) The operational expenses of the district court organized in that town or city under § 16-17-901 et seq. unless otherwise agreed to by



the political subdivisions that contribute to the expenses of the district court.

(B) The governing body of the town or city in a town or city subject to § 16-17-901 et seq. shall make at its annual meeting an appropriation of a sum sufficient to pay the town's or city's proportion of the salaries and operational expenses of the district court.

(2) These payments shall be made out of the general revenues of the town or city.

(c)(1) Any town or city operating a city court on December 31, 2011, that becomes a department of a district court shall continue to pay the amount paid as the base salary of the city court judge to the district court judge who has assumed the responsibility of attending the former city court.

(2) The base salary to be paid to the district court judge under subdivision (c)(1) of this section in calendar year 2012 and subsequent years shall be the amount paid by the city or town to the city court judge for the calendar year 2011.

(d)(1) A town or city operating a city court on December 31, 2011, that becomes a department of district court shall continue to pay the salary of the district court clerk and provide for the operational expenses of that department of district court unless otherwise agreed to by the political subdivisions that contribute to the expenses of the district court.

(2) Subdivision (d)(1) of this section does not apply to any town or city that has abolished a department of district court pursuant to state law.

(e) A district court operated solely by the county shall have the salaries and operational expenses of that district court paid solely by the county unless otherwise agreed to by the political subdivisions that contribute to the expenses of the district court.

**History.** Acts 1951, No. 45, § 1; A.S.A. 2003, No. 1185, § 109; 2007, No. 663, 1947, § 22-720.1; Acts 1987, No. 431, § 7; § 35; 2015, No. 530, § 1.

## **16-17-119. Counties with populations over 250,000 — District court expenses.**

### **CASE NOTES**

#### **Reorganization.**

Due process violation arising from a district court judge's installment fee policy could be imputed to the city because the judge was an employee of the city since the Little Rock District Court had not yet been reorganized as a state district

court at the times relevant to the case; the Little Rock District Court was not part of the state district court program at the time of the events alleged in the complaint. *City of Little Rock v. Nelson*, 2020 Ark. 34, 592 S.W.3d 633 (2020).

## **16-17-124. Fee for appeal transcript — Disposition.**

(a) When required to make a certification of disposition of court proceedings, including without limitation certified copies of the docket,

certified copies of civil or small claims judgments, and appeal transcripts, the district court shall collect a fee of not less than five dollars (\$5.00) per case for preparation of the original.

(b) All funds derived from the fee shall be paid into the general fund of the treasury of each political subdivision that contributes to the expenses of the district court based on the percentage of the expenses contributed by the political subdivision to be appropriated for any permissible use in the administration of the district court.

**History.** Acts 1989, No. 901, §§ 1, 2; 2003, No. 1765, § 15; 2005, No. 1934, § 9; 2015, No. 530, § 2.

### CASE NOTES

#### **Appellate Jurisdiction.**

Circuit court erred in granting the State's motion to dismiss defendant's appeal for lack of jurisdiction for failure to pay the \$5 fee required by this section and Ark. R. Crim. P. 36(c), where the record demonstrated that defendant, consistent with Ark. R. Crim. P. 36(d), had filed an affidavit with the required information concerning the district court clerk's failure to timely certify the record, and served

the clerk of the district court and the prosecuting attorney with the affidavit to place jurisdiction in the circuit court. The filing of defendant's affidavit triggered jurisdiction of his appeal from the district court and strictly complied with Ark. R. Crim. P. 36(d) to commence an appeal from the district court to the circuit court. *Treat v. State*, 2019 Ark. 326, 588 S.W.3d 10 (2019).

### **16-17-126. Fee for filing and issuing writs — Disposition — Fee for issuing summons.**

(a)(1) The district court clerk shall collect a fee of ten dollars (\$10.00) for filing or issuing writs, including writs of garnishment and executions.

(2) The fee under subdivision (a)(1) of this section is in addition to fees and costs established by law for specific purposes or as authorized by the county quorum court or municipality.

(b)(1) The district court clerk shall collect a fee of two dollars and fifty cents (\$2.50) for drawing and issuing, or sealing, a summons or subpoena if the summons or subpoena follows the form incorporated into Rule 4 of the Arkansas Rules of Civil Procedure.

(2) A fee shall not be collected under this subsection if the summons or subpoena follows the form incorporated into Rule 4 of the Arkansas District Court Rules and the summons or subpoena is not a separate document.

(c) All funds derived from the fees under this section shall be paid into the general fund of the treasury of each political subdivision that contributes to the expenses of the district court based on the percentage of the expenses contributed by the political subdivision to be appropriated for any permissible use in the administration of the district court.



**History.** Acts 1991, No. 262, §§ 1-3; 2003, No. 1185, § 115; 2003, No. 1765, § 16; 2005, No. 1934, § 10; 2015, No. 530, § 3; 2015, No. 585, § 1; 2019, No. 675, § 1.

**Amendments.** The 2019 amendment added “Fee for issuing summons” to the section heading; inserted (b); redesignated former (b) as (c); and in (c), deleted “subdivision (a)(1) of” following “under”.

### **16-17-127. Contractors providing certain services — Definition.**

(a) Upon request of the district court judge, the governing body in which a district court is located or, if applicable, each governing body of a political subdivision that contributes to the expenses of a district court may contract with a person that has registered with the Secretary of State and filed a surety bond or certificate of deposit with the Secretary of State to provide any of the following services:

- (1) Probation services;
- (2) Pretrial supervised release programs;
- (3) Alternate sentencing programs; or
- (4) The collection and enforcement of delinquent fines and costs.

(b)(1) The amount of the surety bond or certificate of deposit shall be fifty thousand dollars (\$50,000).

(2) The city or county or any person suffering damage by reason of the acts or omissions of the person or an employee of the person in the performance of services subject to this section may bring action on the bond for damages.

(c) A person is ineligible to provide services subject to this section if the person or an owner, operator, or any stockholder has been convicted of a felony.

(d) As used in this section, “person” means any individual, corporation, partnership, firm, association, or other business entity.

(e) A district court may require a defendant to pay reasonable fees, in an amount to be established by the district court, relating to private contractors providing probation services, pretrial supervised release programs, or alternate sentencing programs authorized by law.

(f)(1) Notwithstanding § 16-13-701 et seq., a private contractor may collect and retain only the fees established by the district court for services provided pursuant to subsection (a) of this section.

(2)(A) When the order of the district court requires a defendant to use the services or programs of a private contractor, the designated contractor shall report on or before the fifth day of each month all fees collected.

(B) The report shall be provided to the mayor and county judge of the political subdivision or subdivisions that contribute to the expenses of the district court and to the district court clerk for inclusion in the district court’s monthly report as required by law.

(3) The report of the private contractor, as required in this section, shall contain columns with the following information by defendant:

- (A) Uniform traffic ticket number;
- (B) Defendant’s name;
- (C) Court docket number;

- (D) Receipt number;
- (E) Amount collected; and
- (F) Total of all fees collected.

(g) A private contractor providing the collection of delinquent fines and court costs shall follow the procedures in § 16-13-701 et seq.

(h) This section shall not apply to the alcohol treatment or education programs authorized by §§ 5-65-115 and 5-65-307.

(i) This section shall not apply to a company whose service is limited to the acceptance of credit card payments for fines, fees, and costs and does not engage in affirmative acts of collection and enforcement of delinquent fines and costs.

**History.** Acts 1991, No. 447, § 1; 2001, No. 1809, § 3; 2003, No. 1185, §§ 116, 117; 2003, No. 1765, § 17; 2005, No. 2239, § 2; 2009, No. 782, § 3; 2021, No. 475, § 13.

**Amendments.** The 2021 amendment deleted “or city court” following “district court” throughout the section; deleted “or

city court judge” following “district court judge” in (a) in the introductory language; substituted “As used in” for “For the purposes of” in (d); inserted “district” preceding the second occurrence of “court” in (e); inserted “district” preceding “court” in (f)(1); and inserted “district” preceding “court’s” in (f)(2)(B).

### **16-17-129. Levy to defray cost of incarcerating city and county prisoners.**

(a)(1)(A) In addition to all fines now or as may hereafter be provided by law, the governing body of each town or city in which a district court is located may by ordinance levy and collect an additional fine not to exceed twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first class of accounting records as described in § 16-17-707.

(B) Except as provided in subdivision (a)(1)(C) of this section, all sums collected from the additional fine described in subdivision (a)(1)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(C) All sums collected from the additional fine described in subdivision (a)(1)(A) of this section in any district court that is funded solely by the county shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating county prisoners, including the construction and maintenance of the county jail.

(2)(A) In addition to all fines provided by law, the governing body of each town or city that has a police department or city marshal, and which contributes to the expenses of a district court under § 16-17-1203, by ordinance may levy and collect an additional fine not to exceed twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond



forfeiture for any misdemeanor or traffic violation in cases from the contributing town or city filed in the district court to which the town or city contributes.

(B) All sums collected from the additional fine described in subdivision (a)(2)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(b)(1) In addition to all fines now or as may hereafter be provided by law, the quorum court of each county may by ordinance levy an additional fine not to exceed twenty dollars (\$20.00) to be collected from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in § 16-17-707. A county ordinance enacted under this subdivision (b)(1) applies to all district courts in the county.

(2) All sums collected from the additional fine described in subdivision (b)(1) of this section as to cases in the first class shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of:

(A) The construction, maintenance, and operation of the city, county, or regional jail;

(B) Deferring the costs of incarcerating county prisoners held by a county, a city, or any entity;

(C) The transportation and incarceration of city or county prisoners;

(D) The purchase and maintenance of equipment for the city, county, or regional jail; and

(E) Training, salaries, and certificate pay for jail personnel.

(3) All sums collected from the additional fine described in subdivision (b)(1) of this section as to cases of the second class shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of:

(A) The construction, maintenance, and operation of the city, county, or regional jail;

(B) Deferring the costs of incarcerating county prisoners held by a county, a city, or any entity;

(C) The transportation and incarceration of city or county prisoners;

(D) The purchase and maintenance of equipment for the city, county, or regional jail; and

(E) Training, salaries, and certificate pay for jailers and deputy sheriffs.

(c)(1) In counties having a county regional detention facility, the additional fine levied by the county under this section shall be deposited into a special fund within the county treasury.

(2) The revenues generated by the additional fine shall be used exclusively for maintenance, operation, and capital expenditures of the regional detention facility.

(d) It is the intention of the General Assembly that the revenues derived from the additional fines levied under this section shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of the regional detention facilities.

(e)(1) The additional fine authorized in subsection (a) of this section shall apply to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation.

(2) The fine may be imposed:

(A) By all courts within a city of the first class, city of the second class, incorporated town, or county in this state that has by ordinance levied the fine; and

(B) In all cases classified as county cases or city cases.

(f) With respect to a violation of § 27-37-701 et seq., § 27-37-706 controls the maximum amount of fines that may be imposed under this section.

**History.** Acts 1999, No. 1336, §§ 1, 2; 2003, No. 1185, § 118; 2003, No. 1188, § 1; 2005, No. 1373, § 1; 2007, No. 1417, §§ 1, 2; 2009, No. 209, § 2; 2013, No. 1365, § 1; 2021, No. 784, § 1.

**Amendments.** The 2021 amendment added (f).

### **16-17-131. Failure to appear — Required appearance — Suspension of driver's license.**

(a) A person required to appear before a district court in this state, having been served with any form of notice to appear for any criminal offense, traffic violation, or misdemeanor charge, shall appear at the time and place designated in the notice.

(b)(1) If a person has failed to appear in district court, the district court may suspend the person's driver's license if the district court:

(A) Orders the suspension to begin thirty (30) days after the date of the order if the person fails to make arrangements to appear; and

(B) Transmits a copy of the order electronically, by fax, or by letter to the Office of Driver Services.

(2) The Department of Finance and Administration shall notify the person by first class mail sent to the person's last known address that he or she risks having his or her driver's license suspended if the person does not make arrangements with the district court to appear within thirty (30) days of the date of the order suspending the driver's license.

(3)(A) If the person makes sufficient arrangements within thirty (30) days to appear, the district court shall issue a new order stating that the person's driver's license is not suspended as directed under subdivision (b)(1) of this section.



(B) The district court shall transmit a copy of the order rescinding the suspension of the person's driver's license to the department electronically, by fax, or by letter.

(C) Upon receipt of the order, the department shall immediately reinstate the person's driver's license and shall not require a reinstatement fee.

(c)(1)(A) If the person makes arrangements with the district court within thirty (30) days of the date of the notice and appears at the arranged time and location, the district court shall not suspend the person's driver's license.

(B) However, if the person fails to make arrangements to appear within thirty (30) days, the driver's license may be suspended until the person appears and completes the sentence ordered by the district court.

(2) To suspend a driver's license, the district court must provide the department with the reason for the suspension and the person's full name, date of birth, and last known address.

(3) The district court may issue an order for a restricted driving permit in accordance with § 27-16-916.

(d) After the person satisfies all requirements of the sentence, the department shall assess the current fees for reinstatement of a driver's license.

(e)(1) An acquittal or a dismissal of a charge of failure to appear that is used as the basis to suspend the person's driver's license shall reverse the suspension of the person's driver's license under this section.

(2) Upon an acquittal or dismissal of a charge as described in subdivision (e)(1) of this section, the office shall reinstate the person's driver's license without charging a reinstatement fee, and the charge shall not be used to determine the number of previous offenses when administratively suspending the person's driver's license in the future.

**History.** Acts 2001, No. 1243, § 1; 2003, No. 1185, § 119; 2021, No. 1049, § 2.

**Amendments.** The 2021 amendment rewrote the section heading and the section.

## RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Jessie Wallace Burchfield, *A Ticket to Jail: Do Minor Traffic Violations Result in Jail Time for Poor Arkansans?*, 42 U. Ark. Little Rock L. Rev. 371 (2020).

Judge Victor A. Fleming, *DisAPPEARing Act: Arkansas's Circularly-Defined Default*, 42 U. Ark. Little Rock L. Rev. 405 (2020).

## 16-17-134. [Repealed.]

**Publisher's Notes.** This section, concerning change of venue from lower courts in certain counties to municipal court, was repealed by Acts 2021, No. 475, § 14, effective July 28, 2021.

The section was derived from Acts 2003, No. 673, § 1; 2011, No. 1132, § 9.

**16-17-136. Waiver of appearance and entry of plea to traffic violations in district court.**

Notwithstanding any rule of criminal procedure to the contrary:

(1) A person who is charged in district court with committing an offense, excluding a violation of the Omnibus DWI or BWI Act, § 5-65-101 et seq., or the Underage DUI or BUI Law, § 5-65-301 et seq., or any other offense for which a court appearance is mandatory, may waive appearance and trial and plead guilty or nolo contendere by a signed statement;

(2)(A) With the signed statement, the person shall pay the fine and court costs in an amount as established by the district court or city court within the limits prescribed by law.

(B) Fines and court costs shall be paid to the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in the district courts and city courts of this state;

(3) The court shall accept the signed statement accompanied by the fine and court costs assessed as a plea of guilty or nolo contendere and shall proceed accordingly; and

(4) Submitting payment under subdivision (2)(A) of this section through a website constitutes an agreement to be bound by an electronic record under the Arkansas Electronic Records and Signatures Act, § 25-31-101 et seq., and complies in all respects with the requirements of this section.

**History.** Acts 2005, No. 1934, § 25;  
2009, No. 633, § 12; 2011, No. 1218, § 4;  
2015, No. 299, § 22.

**16-17-137. Jurisdiction over certain criminal matters.**

(a) If authorized by the administrative plan for the judicial circuit required by Supreme Court Administrative Order No. 14, a state district court judge may preside over the following criminal matters:

(1) A drug court program authorized under the Arkansas Drug Court Act, § 16-98-301 et seq.;

(2) A probation supervision program; and

(3) A parole supervision program.

(b) The administrative judge of the judicial district may withdraw authorization under this section at any time.

**History.** Acts 2011, No. 1137, § 2.

**A.C.R.C. Notes.** Acts 2011, No. 1137, § 1, provided: "Legislative findings.

"(a) In a per curiam opinion dated February 9, 2011, the Supreme Court addressed the recommendations of the District Court Resource Assessment Board,

one (1) of which stated that the General Assembly could authorize a state district court judge to preside over a drug court program, probation revocation proceeding, or a parole revocation proceeding. In Re Amendments to Administrative Order Nos. 4 and 18 and Regulations of the



Arkansas Board of Certified Court Reporter Examiners § 1, 2011 Ark. 57 (2011).

“(b) That the General Assembly finds that allowing a state district court judge

to preside over a drug court, a probation revocation proceeding, or a parole revocation proceeding promotes the sound and efficient administration of justice.”

### **16-17-138. Mandatory holding of court for departments of a district court.**

(a)(1) A district court shall hold court in each department of the district court at least one (1) time a month unless mutually waived by the district court judge and the governing body of the city or town in which the department is located.

(2) The agreement under subdivision (a)(1) of this section shall be in writing and adopted by ordinance of the governing body of the city or town in which the department is located.

(b) If the district court does not have a case at the time court is scheduled to be held in a month, the requirement of subsection (a) of this section is waived and court shall be held at the next scheduled time.

**History.** Acts 2015, No. 1031, § 1.

## **SUBCHAPTER 2 — ESTABLISHMENT IN CITIES OF 2,400 OR MORE AND COUNTY SEAT TOWNS OF LESS THAN 2,400**

### **SECTION.**

16-17-209. Qualifications of district judge — Term.

### **SECTION.**

16-17-210. Special judges.

16-17-211. District court clerks generally.

### **16-17-209. Qualifications of district judge — Term.**

(a) District judges shall be qualified electors within the geographical area from which they are chosen and shall have been licensed attorneys of this state for at least four (4) years immediately preceding the date of assuming office.

(b) Pursuant to Arkansas Constitution, Amendment 80, § 16(C), district judges shall serve four-year terms.

**History.** Acts 1927, No. 60 § 4; Pope’s Dig., § 9900; Acts 1949, No. 210, § 1; 1951, No. 63, § 3; 1951, No. 254, § 1; 1953, No. 313, § 2; A.S.A. 1947, § 22-704; Acts 2003, No. 1185, §§ 125, 126; 2019, No. 445, § 1.

**Amendments.** The 2019 amendment substituted “Pursuant to Arkansas Constitution, Amendment 80, § 16(C), district” for “District” in (b).

### **16-17-210. Special judges.**

(a) If a district judge is disqualified or temporarily unable to serve, or if the Chief Justice of the Supreme Court shall determine that there is other need for a special judge to be temporarily appointed, a special judge may be assigned by the Chief Justice or elected by the bar of the

district court, under rules prescribed by the Supreme Court, to serve during the period of temporary disqualification, absence, or need.

(b) A special judge shall have the same power and authority in the court as the regular district judge would have if present and presiding and shall have the same qualifications as are required by law for the regular district judge.

(c) A district judge who is assigned by the Chief Justice to act as a special judge under this section shall receive reimbursement of expenses for his or her service at the rate provided for in § 16-17-1108.

**History.** Acts 1927, No. 60, § 5; Pope's Dig., § 9901; Acts 1973, No. 165, § 1; A.S.A. 1947, § 22-705; Acts 2003, No. 1185, §§ 125, 126; 2011, No. 274, § 7.

**A.C.R.C. Notes.** Acts 2011, No. 274, § 1, provided: "Legislative intent.

"(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable

to serve or when there is other need for a temporary appointment, under rules prescribed by the Supreme Court.

"(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

"(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification."

### **16-17-211. District court clerks generally.**

(a)(1) The judge of any district court may appoint a clerk for the court, who shall be designated and known as the district court clerk.

(2) The district court clerk employed by a city or county is governed by the employee handbook and policies of the city or county.

(3) If a district court clerk is employed by more than one (1) city or county, then the employing cities or counties, or both, shall determine by written agreement the apportionment of expenses and the applicable employee handbook and policies.

(4) The district court judge shall ensure compliance with the applicable employee handbook, policies, procedures, practices, ordinances, and resolutions of the city or county, or both, consistent with Canon 2 of the Arkansas Code of Judicial Conduct.

(b)(1) The city council of the city in which the court is located shall fix the salary of the district court clerk at a reasonable sum, the salary to be computed on an annual basis.

(2) However, where the county in which the court is located is to pay any portion of the clerk's salary, the salary must also be approved by the quorum court of that county. Further, if the expenses and salaries of any district court are paid entirely by the county in which the court is located, the salary of the clerk shall be fixed by the quorum court of the county and not by the city council.

(c) The district court clerk shall keep a fair record of all the acts done and proceedings had in the court and shall enter all judgments of the court, under the direction of the judge.

(d) The district court clerk shall:



(1) Administer oaths, including special judges of district court under § 16-17-210;

(2) Take affidavits required or permitted in the progress of the action;

(3) Keep a complete docket of all proceedings to the extent and in the manner directed by the judge;

(4) Record the judgments, rules, orders, and other civil or criminal proceedings of the court and keep an alphabetical index thereof;

(5) Keep such other dockets, books, and indices as may be required by law or by the judge; and

(6) Issue and attest all process.

(e) Where the duties of the office of district court clerk do not require a full-time employee, the city council may require that the duties of the clerk be performed by any other officer of the city, except a member of the police department or marshal's office.

**History.** Acts 1927, No. 60, § 12; Pope's Dig., § 9908; Acts 1951, No. 280, § 1; 1953, No. 313, § 3; 1963, No. 57, § 1; 1963, No. 175, § 1; 1975, No. 873, § 1; 1981, No. 74, § 1; A.S.A. 1947, § 22-713; Acts 1995, No. 555, § 1; 2003, No. 1185, § 125; 2003, No. 1765, § 18; 2009, No. 633, § 13; 2011, No. 1174, § 9; 2017, No. 323, § 1.

**Amendments.** The 2017 amendment redesignated former (a) as (a)(1) and added (a)(2) through (a)(4).

## CASE NOTES

### City Employee.

Federal district court erred in dismissing plaintiff's § 1983 action alleging that defendant city violated her constitutional rights by failing to document that she paid certain fines and requesting issuance of a warrant for her arrest, as the complaint stated at least a plausible claim that the Phillips County district court clerk was a city official at the time of the alleged wrongdoing, rather than a state official, in which case the city could be accountable for actions of the clerk that established or carried out an unconstitutional policy or custom of the municipality. *Evans v. City*

of Helena-West Helena, 912 F.3d 1145 (8th Cir. 2019).

It was not until after the events alleged in the complaint that Phillips County was one of several counties that were reorganized as state district courts and served by a state district court judge. Before that time, state law gave cities and counties authority to set salaries for the district court clerk, and the complaint alleged that employees of the district court were hired by the city and paid by the city. *Evans v. City of Helena-West Helena*, 912 F.3d 1145 (8th Cir. 2019).

## SUBCHAPTER 7 — DISTRICT COURT CIVIL JURISDICTION ACT

### SECTION.

16-17-707. Separate accounting records of fines, etc. — Disbursements.

### 16-17-707. Separate accounting records of fines, etc. — Disbursements.

(a) The district court clerk shall keep three (3) separate accounting records of all fines, penalties, forfeitures, fees, and costs received by him

or her for any of the officers of the town, city, or county, as provided in this subchapter:

(1) The first class of accounting records shall embrace all sums collected in the district court in all nontraffic cases which are misdemeanors or violations of the town or city ordinances and all cases which are misdemeanors or violations under state law or traffic offenses which are misdemeanors or violations under state law or town or city ordinance committed within the corporate limits of the town or city where the court sits, where the arresting officer was a police officer or other officer of the town or city, a Division of Arkansas State Police officer or other certified law enforcement officer of the state, or an officer of a private or public college or university located within the corporate limits of the town or city where the court sits;

(2) The second class of accounting records shall embrace all sums collected in the district court in all nontraffic cases which are misdemeanors or violations of county ordinances or are misdemeanors or violations of any of the laws of the state where the arresting officer was the county sheriff or a deputy sheriff or was not a police officer or other officer of the town or city where the court sits, and the offense was committed outside the corporate limits of the town or city where the court sits, and in all other criminal or traffic proceedings not specifically enumerated in this section; and

(3)(A) The third class of accounting records shall embrace all sums collected in the district court in all civil and small claims cases.

(B) The uniform filing fee collected under § 16-17-705 shall be remitted to the city administration of justice fund.

(C) The uniform court costs collected under § 16-10-305 shall be remitted to the city administration of justice fund.

(D) All other fees and interest earned on the court account shall be disbursed to the treasurers of the political subdivisions which contribute to the expense of the district court in accordance with a written agreement among the political subdivisions.

(b)(1)(A) After deducting the fees due the police department and marshal's office and sheriff's office, the district court shall pay into the town or city treasury all sums collected from the first class of accounting records.

(B) The district court shall pay all sums collected from the second class of accounting records into the county treasury.

(2) Any district court that is funded solely by the county shall pay all sums collected from the first or second class of accounting records into the county treasury and shall pay all uniform filing fees and court costs collected into the county administration of justice fund.

(3) A town or city that has a police department and does not operate a district court shall receive only the prorated sums collected as provided in § 16-17-1203.

(4) Direct monetary settlements shall be made with state entities or agencies as provided by law.



(c) All disbursements from all three (3) classes of accounting records shall be pursuant to the provisions set forth in the Arkansas District Courts Accounting Law, § 16-10-201 et seq.

**History.** Acts 1987, No. 431, § 6; 1987 (1st Ex. Sess.), No. 34, § 2; 2003, No. 1185, § 168; 2003, No. 1765, § 22; 2005, No. 1934, § 12; 2007, No. 663, § 37; 2009, No. 411, § 1; 2009, No. 633, § 14.

**Publisher's Notes.** This section is being set out to reflect a correction to (b)(3).

**Amendments.** The 2009 amendment by No. 411 inserted present (b)(3) and redesignated former (b)(3) as (b)(4).

## SUBCHAPTER 8 — APPEALS

### SECTION.

16-17-802. Combining multiple misdemeanor court convictions.

### 16-17-802. Combining multiple misdemeanor court convictions.

If a person who has been convicted of more than one (1) related misdemeanor offense in district court shall present otherwise lawfully sufficient documents to the circuit clerk for an appeal of the related convictions, accompanied by an affidavit of the person or his or her attorney stating that the convictions arise out of the same set of facts and circumstances, the circuit clerk shall:

- (1) Combine the convictions;
- (2) Prepare and file the appeal as one (1) case; and
- (3) Charge only one (1) filing fee for the appeal.

**History.** Acts 1999, No. 232, § 1; 2001, No. 1809, § 10; 2011, No. 1132, § 10; 2015, No. 1152, § 3; 2017, No. 253, § 1.

**Amendments.** The 2017 amendment deleted "or city court" following "district court".

## SUBCHAPTER 9 — JUDICIAL DISTRICTS — JUDGES FOR DISTRICT COURTS

### SECTION.

16-17-901. Definitions.  
 16-17-902. Counties having one district court.  
 16-17-903. [Repealed.]  
 16-17-904. Arkansas County District Courts.  
 16-17-905, 16-17-906. [Repealed.]  
 16-17-907. Clay County District Court.  
 16-17-908 — 16-17-911. [Repealed.]  
 16-17-912. [Repealed.]  
 16-17-913. [Repealed.]  
 16-17-914. Lonoke County District Courts.  
 16-17-915. Monroe County District Court.  
 16-17-916. Ouachita County District Courts.  
 16-17-917 — 16-17-921. [Repealed.]  
 16-17-922. Yell County District Courts.  
 16-17-923, 16-17-924. [Repealed.]

### SECTION.

16-17-925. Sharp County District Court.  
 16-17-926. Woodruff County District Court.  
 16-17-927. [Repealed.]  
 16-17-928. Lawrence County District Court.  
 16-17-929 — 16-17-932. [Repealed.]  
 16-17-933. Franklin County District Courts.  
 16-17-934. [Repealed.]  
 16-17-935. Logan County District Courts.  
 16-17-936, 16-17-937. [Repealed.]  
 16-17-938. Columbia County District Court.  
 16-17-939. Conway County District Court.  
 16-17-940. [Repealed.]  
 16-17-941. Cross County District Court.  
 16-17-942, 16-17-943. [Repealed.]  
 16-17-944. Fulton County District Court.

## SECTION.

16-17-945. [Repealed.]

16-17-946. Izaard County District Court.

16-17-947. Jackson County District Court.

16-17-948. Johnson County District Court.

## SECTION.

16-17-949, 16-17-950. [Repealed.]

16-17-951. Little River County District Court.

16-17-952. [Repealed.]

16-17-953. Pike County District Court.

16-17-954 — 16-17-957. [Repealed.]

**16-17-901. Definitions.**

As used in this subchapter, unless the context otherwise requires:

(1) “Department” means the physical location where sessions of district court are held; and

(2) “Division” means the subject matter division of the district court.

**History.** Acts 2003, No. 1727, § 1; inserted “district” preceding “court” in (1) 2017, No. 723, § 1.

**Amendments.** The 2017 amendment

and (2).

**16-17-902. Counties having one district court.**

(a) Each of the following counties shall have one (1) district court and one (1) district judge:

(1) Howard;

(2) Montgomery;

(3) Perry;

(4) Polk;

(5) Randolph;

(6) Scott;

(7) Sevier; and

(8) Stone.

(b) The district court shall be located in the county seat of each county listed in subsection (a) of this section.

(c)(1) The judge of any district court located in a county with one (1) district court shall be elected countywide.

(2) If there is only one (1) district court in a county, it shall have countywide jurisdiction.

**History.** Acts 2003, No. 1727, § 2; 2005, No. 72, § 1; 2007, No. 663, §§ 4, 38; 2009, No. 345, § 2; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment rewrote (a).

**16-17-903. [Repealed.]**

**Publisher’s Notes.** This section, concerning Crittenden County District Courts, was repealed by Acts 2017, No.

723, § 1. The section was derived from Acts 2003, No. 1727, § 3; 2007, No. 663, § 39.

**16-17-904. Arkansas County District Courts.**

(a) Arkansas County shall have the following district courts and judges:

(1) The Northern District shall have:



- (A) One (1) district court located in Stuttgart; and
- (B) One (1) district judge; and
- (2)(A) The Southern District shall have one (1) district court with three (3) departments:
  - (i) One (1) located in DeWitt;
  - (ii) One (1) located in Gillett; and
  - (iii) One (1) located in St. Charles.
- (B) All three (3) departments are to be served by one (1) judge.
- (b) The judge of any district court located in Arkansas County shall be elected by the electors of the judicial district in which the court is located.
- (c) In Arkansas County, the jurisdiction of the district court shall be limited to the judicial district in which the court is located.

**History.** Acts 2003, No. 1727, § 4; 2005, No. 72, § 2; 2007, No. 663, §§ 5, 40; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

### 16-17-905, 16-17-906. [Repealed.]

**Publisher's Notes.** These sections, concerning the Sebastian County District Courts and the Craighead County District Court, were repealed by Acts 2017, No. 723, § 1. The sections were derived from the following sources:

16-17-905. Acts 2003, No. 1727, § 5; 2007, No. 663, § 6.

16-17-906. Acts 2003, No. 1727, § 6; 2005, No. 72, § 6.

### 16-17-907. Clay County District Court.

- (a)(1) Clay County shall have one (1) district court with three (3) departments:
  - (A) One (1) located in Corning;
  - (B) One (1) located in Piggott; and
  - (C) One (1) located in Rector.
- (2) All three (3) departments are to be served by one (1) judge.
- (b) The Clay County District Court Judge shall be elected countywide.
- (c) The Clay County District Court shall have countywide jurisdiction.

**History.** Acts 2003, No. 1727, § 7; 2005, No. 72, § 3; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

### 16-17-908 — 16-17-911. [Repealed.]

**Publisher's Notes.** These sections, concerning the Ashley County District Courts, the Benton County District Courts, the Chicot County District Court, and the Desha County District Court, were repealed by Acts 2017, No. 723, § 1.

The sections were derived from the following sources:

16-17-908. Acts 2003, No. 1727, § 8.

16-17-909. Acts 2003, No. 1727, § 9; 2003 (2nd Ex. Sess.), No. 45, § 1; 2007, No. 663, § 7; 2011, No. 1132, § 11.

16-17-910. Acts 2003, No. 1727, § 10.

16-17-911. Acts 2003, No. 1727, § 11.

### 16-17-912. [Repealed.]

**Publisher's Notes.** This section, concerning the Garland County District Court, was repealed by Acts 2021, No. 825, § 1, effective July 28, 2021. The section

was derived from Acts 2003, No. 1727, § 12; 2007, No. 663, § 41; 2017, No. 723, § 1.

### 16-17-913. [Repealed.]

**Publisher's Notes.** This section, concerning Jefferson County District Courts, was repealed by Acts 2017, No. 723, § 1.

The section was derived from Acts 2003, No. 1727, § 13; 2007, No. 663, § 42.

### 16-17-914. Lonoke County District Courts.

(a) Lonoke County, having two (2) judicial districts, shall have the following district courts and judges:

(1)(A) The Northern District of Lonoke County shall have one (1) district court, with three (3) departments:

- (i) One (1) located in Cabot;
- (ii) One (1) located in Ward; and
- (iii) One (1) located in Austin.

(B) All three (3) departments are to be served by one (1) district judge; and

(2)(A) The Southern District of Lonoke County shall have one (1) district court with five (5) departments as follows:

- (i) One (1) located in Lonoke;
- (ii) One (1) located in England;
- (iii) One (1) located in Carlisle;
- (iv) One (1) located in Allport; and
- (v) One (1) located in Humnoke.

(B) All five (5) departments are to be served by one (1) judge.

(b) The district court boundaries in Lonoke County shall be as follows:

(1) The Northern District of Lonoke County shall consist of the townships of Butler, Caroline, Cleveland, Eagle, Goodrum, Magness, Oak Grove, Prairie, Totten, Ward, and York; and

(2) The Southern District of Lonoke County shall consist of the townships of Carlisle, Crooked Creek, Dortch, Fletcher, Furlow, Gum Woods, Gray, Hamilton, Indian Bayou, Isbell, Lafayette, Lonoke, Petus, Richwoods, Pulaski, Scott, Williams, and Walls.

(c) The judge of any district court in Lonoke County shall be elected by the qualified electors of the judicial district in which the court is located.

(d) The jurisdiction of each district court in Lonoke County shall be limited to the judicial district in which the court is located.



**History.** Acts 2003, No. 1727, § 14; 2003 (2nd Ex. Sess.), No. 76, § 1; 2005, No. 72, § 4; 2007, No. 663, § 43; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment

deleted former (a)(2)(B) and (a)(2)(C); re-designated former (a)(2)(D) as (a)(2)(B); and substituted "All five (5) departments" for "All three (3) departments in Carlisle, Allport, and Humnoke" in (a)(2)(B).

### 16-17-915. Monroe County District Court.

(a)(1) Monroe County shall have one (1) district court with three (3) departments as follows:

- (A) One (1) located in Brinkley;
- (B) One (1) located in Clarendon; and
- (C) One (1) located in Holly Grove.

(2)(A) The department in Brinkley is to be served by one (1) judge.

(B) The two (2) departments in Clarendon and Holly Grove are to be served by one (1) judge.

(b) The judges of the Monroe County District Court shall be elected countywide.

(c) The Monroe County District Court shall have countywide jurisdiction.

**History.** Acts 2003, No. 1727, § 15; 2007, No. 663, § 44; 2017, No. 723, § 1.

substituted "department in Brinkley" for "Brinkley Department" in (a)(2)(A).

**Amendments.** The 2017 amendment

### 16-17-916. Ouachita County District Courts.

(a) Ouachita County shall have the following district courts and judges:

(1) Camden shall have:

- (A) One (1) district court; and
- (B) One (1) judge; and

(2)(A) East Camden shall have one (1) district court with four (4) departments:

- (i) One (1) located in Bearden;
- (ii) One (1) located in Chidester;
- (iii) One (1) located in East Camden; and
- (iv) One (1) located in Stephens.

(B) All four (4) departments are to be served by one (1) judge.

(b)(1) The judge of the Camden District Court shall be elected countywide.

(2) The Camden District Court shall have countywide jurisdiction.

(c)(1) The judge of the East Camden District Court shall be elected countywide.

(2) The East Camden District Court shall have countywide jurisdiction.

**History.** Acts 2003, No. 1727, § 16; 2007, No. 663, § 45; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

**16-17-917 — 16-17-921. [Repealed.]**

**Publisher's Notes.** These sections, concerning the Phillips County District Court, the Saline County District Court, the Washington County District Courts, the White County District Court, and the Pulaski County District Courts, were repealed by Acts 2017, No. 723, § 1. The sections were derived from the following sources:

16-17-917. Acts 2003, No. 1727, § 17; 2007, No. 39, § 1; 2007, No. 663, § 46.

16-17-918. Acts 2003, No. 1727, § 18; 2007, No. 663, § 8.

16-17-919. Acts 2003, No. 1727, § 19; 2003 (2nd Ex. Sess.), No. 24, § 1; 2007, No. 55, § 1; 2007, No. 663, § 47.

16-17-920. Acts 2003, No. 1727, § 20; 2007, No. 663, § 48.

16-17-921. Acts 2003, No. 1727, § 21; 2007, No. 663, § 49.

**16-17-922. Yell County District Courts.**

(a)(1) Yell County, having two (2) judicial districts, shall have two (2) district courts with one (1) department located in the Northern District.

(2) The two (2) judicial districts shall each have one (1) part-time judge serviced by the one (1) department in the Northern District.

(b) The judge of each district court in Yell County shall have jurisdiction within each respective Northern and Southern District.

(c) The judge shall be elected within each respective district.

**History.** Acts 2003, No. 1727, § 22; 2017, No. 723, § 1.

deleted former (b); and redesignated former (c) and (d) as (b) and (c).

**Amendments.** The 2017 amendment

**16-17-923, 16-17-924. [Repealed.]**

**Publisher's Notes.** These sections, concerning district courts established and election of district judges and the Poinsett County District Court, were repealed by Acts 2017, No. 723, § 1. The sections were derived from the following sources:

16-17-923. Acts 2003, No. 1727, § 24.

16-17-924. Acts 2005, No. 72, § 5; 2007, No. 663, § 9.

**16-17-925. Sharp County District Court.**

(a)(1) Sharp County shall have one (1) district court with two (2) departments:

(A) One (1) located in Ash Flat; and

(B) One (1) located in Cherokee Village.

(2) Both departments are to be served by (1) judge.

(b) The Sharp County District Court Judge shall be elected county-wide.

(c) The Sharp County District Court shall have countywide jurisdiction.

**History.** Acts 2005, No. 72, § 5; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.



**16-17-926. Woodruff County District Court.**

(a)(1) Woodruff County shall have one (1) district court with four (4) departments:

- (A) One (1) located in Augusta;
- (B) One (1) located in Cotton Plant;
- (C) One (1) located in McCrory; and
- (D) One (1) located in Patterson.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Woodruff County District Court Judge shall be elected countywide.

(c) The Woodruff County District Court shall have countywide jurisdiction.

**History.** Acts 2005, No. 72, § 5; 2011, No. 1218, § 5; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

**16-17-927. [Repealed.]**

**Publisher's Notes.** This section, concerning Prairie County District Courts, was repealed by Acts 2017, No. 723, § 1.

The section was derived from Acts 2005, No. 72, § 5.

**16-17-928. Lawrence County District Court.**

(a)(1) Lawrence County shall have one (1) district court with four (4) departments:

- (A) One (1) located in Walnut Ridge;
- (B) One (1) located in Hoxie;
- (C) One (1) located in Black Rock; and
- (D) One (1) located in Portia.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Lawrence County District Court Judge shall be elected countywide.

(c) The Lawrence County District Court shall have countywide jurisdiction.

**History.** Acts 2005, No. 72, § 5; 2007, No. 663, § 50; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

**16-17-929 — 16-17-932. [Repealed.]**

**Publisher's Notes.** These sections, concerning the Mississippi County District Courts, the Greene County District Court, the Carroll County District Courts,

and the Pope County District Court, were repealed by Acts 2017, No. 723, § 1. The sections were derived from the following sources:

16-17-929. Acts 2007, No. 663, §§ 10,  
51.  
16-17-930. Acts 2007, No. 663, § 11.

16-17-931. Acts 2007, No. 663, § 51.  
16-17-932. Acts 2007, No. 663, § 12.

### 16-17-933. Franklin County District Courts.

(a) Franklin County, having two (2) judicial districts, shall have the following district courts and judges:

(1) The Charleston District shall have:

(A) One (1) district court located in Charleston; and

(B) One (1) district judge; and

(2)(A) The Ozark District shall have one (1) district court with two (2) departments:

(i) One (1) located in Ozark; and

(ii) One (1) located in Altus.

(B) Both departments are to be served by one (1) district judge.

(b) The judge of any district court located in Franklin County shall be elected by the electors of the judicial district in which the court is located.

(c) In Franklin County, the jurisdiction of the district court shall be limited to the judicial district in which the court is located.

**History.** Acts 2007, No. 663, § 51;  
2017, No. 723, § 1.

**Amendments.** The 2017 amendment  
made no changes to this section.

### 16-17-934. [Repealed.]

**Publisher's Notes.** This section, concerning the Baxter County District Court, was repealed by Acts 2017, No. 723, § 1.

The section was derived from Acts 2007, No. 663, § 13.

### 16-17-935. Logan County District Courts.

(a) Logan County, having two (2) judicial districts, shall have the following district courts and judges:

(1) The Northern District shall have:

(A) One (1) district court located in Paris; and

(B) One (1) district judge; and

(2)(A) The Southern District shall have one (1) district court with two (2) departments:

(i) One (1) located in Booneville; and

(ii) One (1) located in Magazine.

(B) Both departments are to be served by one (1) district judge.

(b) The judge of any district court located in Logan County shall be elected by the electors of the judicial district in which the court is located.

(c) In Logan County, the jurisdiction of the district court shall be limited to the judicial district in which the court is located.



**History.** Acts 2007, No. 663, § 51; deleted the comma following “Logan County” in (b).  
2017, No. 723, § 1.

**Amendments.** The 2017 amendment

### **16-17-936, 16-17-937. [Repealed.]**

**Publisher’s Notes.** These sections, concerning the Cleburne County District Court and the Boone County District Court, were repealed by Acts 2017, No. 723, § 1. The sections were derived from the following sources:

16-17-936. Acts 2007, No. 663, § 51;  
2015, No. 1001, § 1.  
16-17-937. Acts 2007, No. 663, § 14.

### **16-17-938. Columbia County District Court.**

(a)(1) Columbia County shall have one (1) district court with two (2) departments:

(A) One (1) located in Magnolia; and

(B) One (1) located in Waldo.

(2) Both departments are to be served by one (1) judge.

(b) The Columbia County District Court Judge shall be elected countywide.

(c) The Columbia County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51;  
2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

### **16-17-939. Conway County District Court.**

(a)(1) Conway County shall have one (1) district court with four (4) departments:

(A) One (1) located in Morrilton;

(B) One (1) located in Menifee;

(C) One (1) located in Oppelo; and

(D) One (1) located in Plumerville.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Conway County District Court Judge shall be elected countywide.

(c) The Conway County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51;  
2011, No. 1218, § 6; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

### **16-17-940. [Repealed.]**

**Publisher’s Notes.** This section, concerning the Crawford County District Court, was repealed by Acts 2017, No. 723, § 1. The section was derived from Acts 2007, No. 663, § 51.

**16-17-941. Cross County District Court.**

(a)(1) Cross County shall have one (1) district court with three (3) departments:

- (A) One (1) located in Wynne;
- (B) One (1) located in Cherry Valley; and
- (C) One (1) located in Parkin.

(2) All three (3) departments are to be served by one (1) judge.

(b) The Cross County District Court Judge shall be elected countywide.

(c) The Cross County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

**16-17-942, 16-17-943. [Repealed.]**

**Publisher's Notes.** These sections, concerning the Dallas County District Court and the Faulkner County District Court, were repealed by Acts 2017, No.

723, § 1. The sections were derived from the following sources:

16-17-942. Acts 2007, No. 663, § 51.

16-17-943. Acts 2007, No. 663, § 51.

**16-17-944. Fulton County District Court.**

(a)(1) Fulton County shall have one (1) district court with two (2) departments:

- (A) One (1) located in Salem; and
- (B) One (1) located in Mammoth Spring.

(2) Both departments are to be served by one (1) judge.

(b) The Fulton County District Court Judge shall be elected countywide.

(c) The Fulton County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

**16-17-945. [Repealed.]**

**Publisher's Notes.** This section, concerning the Hot Spring County District Court, was repealed by Acts 2017, No. 723,

§ 1. The section was derived from Acts 2007, No. 663, § 51.

**16-17-946. Izard County District Court.**

(a)(1) Izard County shall have one (1) district court with two (2) departments:

- (A) One (1) located in Melbourne; and
- (B) One (1) located in Horseshoe Bend.

(2) Both departments are to be served by one (1) judge.



(b) The Izard County District Court Judge shall be elected county-wide.

(c) The Izard County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51; introductory language of (a)(1); deleted 2017, No. 723, § 1. former (a)(1)(B); redesignated former

**Amendments.** The 2017 amendment (a)(1)(C) as (a)(1)(B); and substituted substituted “two (2)” for “three (3)” in the “Both” for “All three (3)” in (a)(2).

### 16-17-947. Jackson County District Court.

(a)(1) Jackson County shall have one (1) district court with four (4) departments:

(A) One (1) located in Newport;

(B) One (1) located in Diaz;

(C) One (1) located in Swifton; and

(D) One (1) located in Tuckerman.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Jackson County District Court Judge shall be elected county-wide.

(c) The Jackson County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51; 2017, No. 723, § 1. **Amendments.** The 2017 amendment made no changes to this section.

### 16-17-948. Johnson County District Court.

(a)(1) Johnson County shall have one (1) district court with three (3) departments:

(A) One (1) located in Clarksville;

(B) One (1) located in Lamar; and

(C) One (1) located in Coal Hill.

(2) All three (3) departments are to be served by one (1) judge.

(b) The Johnson County District Court Judge shall be elected county-wide.

(c) The Johnson County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51; 2017, No. 723, § 1. **Amendments.** The 2017 amendment made no changes to this section.

### 16-17-949, 16-17-950. [Repealed.]

**Publisher’s Notes.** These sections, concerning the Lafayette County District Court and the Lincoln County District Court, were repealed by Acts 2017, No. 723, § 1. The sections were derived from the following sources:  
16-17-949. Acts 2007, No. 663, § 51.  
16-17-950. Acts 2007, No. 663, § 51.

**16-17-951. Little River County District Court.**

(a)(1) Little River County shall have one (1) district court with three (3) departments:

- (A) One (1) located in Ashdown;
- (B) One (1) located in Foreman; and
- (C) One (1) located in Winthrop.

(2) All departments are to be served by one (1) judge.

(b) The Little River County District Court Judge shall be elected countywide.

(c) The Little River County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51; 2011, No. 1218, § 7; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

**16-17-952. [Repealed.]**

**Publisher's Notes.** This section, concerning Marion County District Court, was repealed by Acts 2017, No. 723, § 1.

The section was derived from Acts 2007, No. 663, § 51.

**16-17-953. Pike County District Court.**

(a)(1) Pike County shall have one (1) district court with two (2) departments:

- (A) One (1) located in Murfreesboro; and
- (B) One (1) located in Glenwood.

(2) Both departments are to be served by one (1) judge.

(b) The Pike County District Court Judge shall be elected countywide.

(c) The Pike County District Court shall have countywide jurisdiction.

**History.** Acts 2007, No. 663, § 51; 2017, No. 723, § 1.

**Amendments.** The 2017 amendment made no changes to this section.

**16-17-954 — 16-17-957. [Repealed.]**

**Publisher's Notes.** These sections, concerning the St. Francis County District Court, the Van Buren County District Court, the Perry County District Court, and the Clark County District Court, were repealed by Acts 2017, No. 723, § 1. The sections were derived from the following sources:

16-17-954. Acts 2007, No. 663, § 51.

16-17-955. Acts 2007, No. 663, § 51.

16-17-956. Acts 2007, No. 663, § 51; 2011, No. 1218, § 8.

16-17-957. Acts 2007, No. 663, § 51; 2011, No. 1218, § 9.

**SUBCHAPTER 11 — STATE DISTRICT COURTS****SECTION.**

16-17-1101. Legislative findings.

**SECTION.**

16-17-1102. Definitions.



## SECTION.

- 16-17-1103. [Repealed.]  
 16-17-1104. State district court judges —  
     Salaries.  
 16-17-1105. [Repealed.]  
 16-17-1106. Salary of state district court  
     judges — Cost-sharing.  
 16-17-1107. Salary of judges serving city  
     or county.  
 16-17-1108. Travel expense reimburse-  
     ment.  
 16-17-1109. Jurisdiction.  
 16-17-1110. Organization and designa-  
     tion.  
 16-17-1111, 16-17-1112. [Repealed.]  
 16-17-1113. Reorganization of local dis-  
     trict courts to state district

## SECTION.

- courts as of January 1,  
 2021.  
 16-17-1114. Reorganization of local dis-  
     trict courts to state district  
     courts as of January 1,  
     2025.  
 16-17-1115. Reorganization of local dis-  
     trict courts to state district  
     courts as of January 1,  
     2025.  
 16-17-1116. Reorganization of local dis-  
     trict courts to state district  
     courts as of January 1,  
     2025.

**Effective Dates.** Acts 2017, No. 172, § 2: Feb. 15, 2017. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that a state district court has been approved in Green Forest; that it is in the interest of Arkansas and the Third District to promote an efficient and fair judiciary; and that this act is immediately necessary because the people served by the Third District are entitled to the operation of a district court in Green Forest. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 935, § 4: July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the twenty-fifth judicial district has an immediate need for an additional district court judge due to the number of cases pending in the

judicial district. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Acts 2021, No. 87, § 2: Feb. 9, 2021. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the town of Bethel Heights was annexed into the city of Springdale in August of 2020 by a vote of the people. Because of the annexation, the status of the Bethel Heights District Court has not been clearly established under current law, as the city of Bethel Heights has ceased to exist. Immediate amendment to the state district court statutes is necessary for the smooth transition of the district courts of the First and Second Judicial Districts. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 16-17-1101. Legislative findings.

The General Assembly finds that:

(1) The goal expressed by Arkansas citizens with the adoption of Amendment 80 to the Arkansas Constitution was the creation of a three-tiered unified court system;

(2) The current structure of limited jurisdiction courts consists of a combination of full-time and part-time district and city courts funded by city and county governments;

(3) Based on availability of local resources, the cumulative effect of the creation and funding of those courts by local governments has been an unequal level of access to and an inequitable distribution of judicial services to communities;

(4) While Amendment 80 to the Arkansas Constitution does not require the state to fund the district court system, there is a state interest in providing a more uniform level of judicial resources to all citizens of the state;

(5) Because the current system of limited jurisdiction courts is not uniform, it is contrary to the interest of the state to merely shift the funding of the system from local government to state government without addressing the structure of the district court system;

(6) A way of addressing the shortage of resources for circuit courts in some areas of the state is the expansion of the jurisdiction of the district court which will shift cases from circuit court to district court and reduce expenses for the state;

(7) A state-funded system should include an analysis by the state that furthers the goal of a unified and equitable system for the delivery of judicial services;

(8) The District Court Resource Assessment Board, created in § 16-17-1001 et seq., has studied the effectiveness of the state's creation of pilot district courts and found that they are successful in creating a more uniform and equitable judicial system, reducing the number of district and city court judges, maintaining the level of service to the communities served by district and city courts, allowing the shift of cases from circuit to district courts, decreasing the number of conflicts requiring the appointment of special judges, and improving public access to the court system;

(9) The state should continue the incremental creation of state district courts served by full-time judges and designate geographic districts that have sufficient caseloads to justify a full-time judge until the system is implemented and operating statewide on January 1, 2017; and

(10) For purposes of the program, cities and counties should keep one hundred percent (100%) of all their current revenue from fines and costs with the exception of the adjustment from the cost-sharing formula.

**History.** Acts 2007, No. 663, § 2; 2011, No. 1219, § 1.



CASE NOTES

ANALYSIS

District Court Clerk.  
Reorganization.

**District Court Clerk.**

Federal district court erred in dismissing plaintiff's § 1983 action alleging that defendant city violated her constitutional rights by failing to document that she paid certain fines and requesting issuance of a warrant for her arrest, as the complaint stated at least a plausible claim that the Phillips County district court clerk was a city official at the time of the alleged wrongdoing, rather than a state official, in which case the city could be accountable for actions of the clerk that established or carried out an unconstitutional policy or custom of the municipality. *Evans v. City of Helena-West Helena*, 912 F.3d 1145 (8th Cir. 2019).

It was not until after the events alleged in the complaint that Phillips County was

one of several counties that were reorganized as state district courts and served by a state district court judge. Before that time, state law gave cities and counties authority to set salaries for the district court clerk, and the complaint alleged that employees of the district court were hired by the city and paid by the city. *Evans v. City of Helena-West Helena*, 912 F.3d 1145 (8th Cir. 2019).

**Reorganization.**

Due process violation arising from a district court judge's installment fee policy could be imputed to the city because the judge was an employee of the city since the Little Rock District Court had not yet been reorganized as a state district court at the times relevant to the case; the Little Rock District Court was not part of the state district court program at the time of the events alleged in the complaint. *City of Little Rock v. Nelson*, 2020 Ark. 34, 592 S.W.3d 633 (2020).

**16-17-1102. Definitions.**

As used in this subchapter:

- (1) "Department" means the physical location where sessions of court are held;
- (2) "District" means the geographical area in which a state district court may exercise jurisdiction and from which a state district court judge is elected;
- (3) "Division" means the designation of the judicial positions for case management or election purposes and does not refer to "subject matter divisions" under Arkansas Constitution, Amendment 80, § 7;
- (4) "Local district court" includes a department of a district court;
- (5)(A) "State district court" means a district court that is created by this subchapter and has:
  - (i) Criminal jurisdiction, as established by the General Assembly; and
  - (ii) Civil jurisdiction, as established by the Supreme Court.
- (B) "State district court" includes a department of a state district court; and
- (6) "State district court judge" means a full-time judge:
  - (A) Whose salary is paid by the state;
  - (B) Who is not engaged in the private practice of law; and
  - (C) Who is available for work in circuit court under rules adopted by the Supreme Court.

**History.** Acts 2007, No. 663, § 2; 2011, No. 1219, § 2.

### **16-17-1103. [Repealed.]**

**Publisher's Notes.** This section, concerning creation of pilot state district court judgeships, was repealed by Acts

2011, No. 1219, § 3. The section was derived from Acts 2007, No. 663, § 2; 2009, No. 345, § 3.

### **16-17-1104. State district court judges — Salaries.**

(a) The judges who are appointed or elected to serve the courts created under this subchapter are state district court judges.

(b) The salaries of the state district court judges are uniform and shall be paid with moneys appropriated from the Constitutional Officers Fund, § 19-5-205, by the General Assembly.

**History.** Acts 2007, No. 663, § 2; 2009, No. 345, § 4; 2011, No. 1219, § 4.

### **16-17-1105. [Repealed.]**

**Publisher's Notes.** This section, concerning consolidation of city courts with district courts, was repealed by Acts 2017,

No. 723, § 2. The section was derived from Acts 2007, No. 663, § 2; 2009, No. 345, § 5; 2009, No. 356, § 1.

### **16-17-1106. Salary of state district court judges — Cost-sharing.**

(a) The state shall pay the salary and benefits of state district court judges created under this subchapter.

(b)(1)(A) Each county and town or city in a district in which a state district court judgeship is created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half (½) of the base salary established by law for state fiscal year 2009 for that district's state district court judge.

(B)(i) The proportionate share is calculated as follows:

(a) Determine the sum total of the base salary paid by each county and town or city in a district to that county and town or city's district court judge or city court judge for the calendar year immediately preceding the creation of the state district court judgeship; and

(b) Determine the proportion of the base salary of each county and town or city to the sum total base salary of the district.

(ii) Each county and town or city shall pay to the state its proportionate share as determined in subdivision (b)(1)(B)(i)(a) of this section of one-half (½) of the base salary established by law for state fiscal year 2009 for each state district court judge in the district at the time the county and town or city had a state district court judgeship created.

(C) On a form provided by the Administration of Justice Funds Section, each county and town or city in a district shall certify annually on or before October 31 the amount to be paid to the state



for its share of one-half ( $\frac{1}{2}$ ) of the salary as determined in this section for that district's state district court judge.

(2)(A) This section does not prohibit a county and town or city in a district in which a state district court judgeship is created under this subchapter from agreeing in writing on the amount to be paid to the state by the county and the town or city for its proportionate share of one-half ( $\frac{1}{2}$ ) of the salary as determined in this section for that district's state district court judge.

(B) If a written agreement is reached under subdivision (b)(2)(A) of this section, the county and town or city shall submit on or before October 31 a copy of that written agreement to the Administration of Justice Funds Section.

(c) The amount of the state district court judge's salary initially paid by the county and the town or city in a district and annually afterwards shall be the amount determined under subsection (b) of this section.

(d)(1) Beginning with its annual meeting of 2011, the quorum court in each county in a district in which a state district court judgeship is created under this subchapter and the council in each town or city in a district in which a state district court judgeship is created under this subchapter shall appropriate annually from its general revenues an amount sufficient to pay its share of the state district court judgeship salary allocated to it under subsection (b) of this section.

(2) The duty under subdivision (d)(1) of this section may be enforced in a court of competent jurisdiction.

(e) On or before December 15, 2011, and annually afterwards, the Administration of Justice Funds Section shall certify to the county and the town or city in each district the amount of its share of one-half ( $\frac{1}{2}$ ) of the base salary established under subsection (b) of this section.

(f) On or before January 15, 2012, and annually afterwards, the county and the town or city shall remit to the Administration of Justice Funds Section for deposit into the Constitutional Officers Fund the sum necessary to fund its share of the base salary allocated to it under subsection (e) of this section.

**History.** Acts 2007, No. 663, § 2; 2011, No. 1219, § 5.

### **16-17-1107. Salary of judges serving city or county.**

This subchapter shall not in any way limit the power and authority of local district courts currently existing. Except for the state district court judgeships created under this subchapter, a judge serving in another full-time or part-time local district court position shall continue to be an employee of the cities or counties, or both, that he or she serves and shall be paid according to state law.

**History.** Acts 2007, No. 663, § 2; 2011, No. 1219, § 6.

## CASE NOTES

## ANALYSIS

District Court Clerk.  
Reorganization.

**District Court Clerk.**

Federal district court erred in dismissing plaintiff's § 1983 action alleging that defendant city violated her constitutional rights by failing to document that she paid certain fines and requesting issuance of a warrant for her arrest, as the complaint stated at least a plausible claim that the Phillips County district court clerk was a city official at the time of the alleged wrongdoing, rather than a state official, in which case the city could be accountable for actions of the clerk that established or carried out an unconstitutional policy or custom of the municipality. *Evans v. City of Helena-West Helena*, 912 F.3d 1145 (8th Cir. 2019).

It was not until after the events alleged in the complaint that Phillips County was

one of several counties that were reorganized as state district courts and served by a state district court judge. Before that time, state law gave cities and counties authority to set salaries for the district court clerk, and the complaint alleged that employees of the district court were hired by the city and paid by the city. *Evans v. City of Helena-West Helena*, 912 F.3d 1145 (8th Cir. 2019).

**Reorganization.**

Due process violation arising from a district court judge's installment fee policy could be imputed to the city because the judge was an employee of the city since the Little Rock District Court had not yet been reorganized as a state district court at the times relevant to the case; the Little Rock District Court was not part of the state district court program at the time of the events alleged in the complaint. *City of Little Rock v. Nelson*, 2020 Ark. 34, 592 S.W.3d 633 (2020).

**16-17-1108. Travel expense reimbursement.**

(a) From the appropriation provided for the expenses of state district court judges, a state district court judge is authorized to be reimbursed for those travel expenses at the rate as authorized for state employees and for mileage at the rate established in the state travel rules for state employees while traveling within the state in the performance of official duties.

(b) When a state or local district judge is appointed by the Chief Justice to hear a case or cases in a jurisdiction outside that in which he or she is elected, the judge shall be entitled to reimbursement for travel expenses and mileage as provided in subsection (a) of this section.

**History.** Acts 2009, No. 345, § 6; 2011, No. 274, § 8; 2011, No. 1219, § 7; 2019, No. 315, § 1298.

**A.C.R.C. Notes.** Acts 2011, No. 274, § 1, provided: "Legislative intent.

"(a) Arkansas Constitution, Amendment 80, § 13(C), provides that the Chief Justice of the Arkansas Supreme Court may appoint a special judge to serve in circuit court or district court whenever a judge is disqualified or temporarily unable to serve or when there is other need for a

temporary appointment, under rules prescribed by the Supreme Court.

"(b) Special judges may include retired justices or judges, active circuit judges or district judges, or licensed attorneys.

"(c) The current laws that govern the payment of special judges have not been revised since the adoption of Amendment 80 and are in conflict and need of clarification."

**Amendments.** The 2019 amendment substituted "rules" for "regulations" in (a).



**16-17-1109. Jurisdiction.**

(a)(1) State district courts are courts of limited jurisdiction with criminal jurisdiction as defined by the General Assembly and by Arkansas Constitution, Amendment 80, § 7, and civil jurisdiction as defined by the Supreme Court.

(2) State district courts may be given greater criminal and civil jurisdiction than that provided for local district courts, subject to the provisions of Arkansas Constitution, Amendment 80, §§ 7 and 10.

(b) Under rules prescribed by the Supreme Court, a state district court judge may hear cases filed in the circuit court that arise within the territorial jurisdiction of the state district court judge.

(c)(1) Under rules prescribed by the Supreme Court, a state district court judge may be assigned by the Chief Justice to hear cases outside the territorial jurisdiction of the court.

(2) When assigned, the state district court judge is entitled to the reimbursement of travel expenses under § 16-17-1108.

**History.** Acts 2011, No. 1219, § 8.

**16-17-1110. Organization and designation.**

The following state district courts shall be organized and designated in numbered judicial districts as follows:

(1)(A) The First District is composed of Benton County.

(B) The First District has thirteen (13) departments as follows:

- (i) One (1) located in Rogers;
- (ii) One (1) located in Bentonville;
- (iii) One (1) located in Siloam Springs;
- (iv) One (1) located in Gentry;
- (v) One (1) located in Decatur;
- (vi) One (1) located in Cave Springs;
- (vii) One (1) located in Centerton;
- (viii) One (1) located in Gravette;
- (ix) One (1) located in Little Flock;
- (x) One (1) located in Lowell;
- (xi) One (1) located in Pea Ridge;
- (xii) One (1) located in Sulphur Springs; and
- (xiii) One (1) located in Bella Vista.

(C)(i) The district is served by four (4) state district court judges.

(ii) One (1) judgeship shall be designated as Division 1.

(iii) One (1) judgeship shall be designated as Division 2.

(iv) One (1) judgeship shall be designated as Division 3.

(v) One (1) judgeship shall be designated as Division 4.

(D) The assignment of judges to departments under subdivision (1)(B) of this section is determined by the mutual agreement of the state district court judges.

(E) For the purpose of venue, the district court boundaries in Benton County are as follows:

- (i) Division 1 — Rogers District Court:

(a) All of District 94, District 95, and District 96 of the House of Representatives as drawn by The Board of Apportionment in 2002;

(b) That part of District 98 of the House of Representatives as drawn by The Board of Apportionment in 2002 that is in Benton County Quorum Court District 1 as established by the Benton County Election Commission;

(c) That part of Benton County Quorum Court District 6 as established by the Benton County Election Commission that is in District 96 and District 98 of the House of Representatives as drawn by The Board of Apportionment in 2002; and

(d) All of precinct 43, precinct 44, and precinct 49 as they existed on January 1, 2011;

(ii) Division 2 — Bentonville District Court:

(a) All of District 7, District 8, District 9, and District 10 except for the now-existing precinct 22, of the Benton County Quorum Court as established by the Benton County Election Commission;

(b) All of District 99 of the House of Representatives as drawn by The Board of Apportionment in 2002 except for the now-existing precinct 43, precinct 44, and precinct 49; and

(c) All of precinct 45 as it existed on January 1, 2011;

(iii) Division 3 — Siloam Springs District Court:

(a) All of District 97 of the House of Representatives as drawn by The Board of Apportionment in 2002; and

(b) All of precinct 7, precinct 14, precinct 16, and precinct 17 as they existed on January 1, 2011; and

(iv) Division 4 — Benton County West District Court:

(a) All of Benton County Quorum Court District 11 as established by the Benton County Election Commission; and

(b) All of precinct 6, precinct 15, precinct 18, precinct 19, and precinct 22 as they existed on January 1, 2011.

(F) The First District judges are elected districtwide.

(G) The First District court has districtwide jurisdiction;

(2)(A) The Second District shall be composed of Washington County and the city limits of Springdale that extend into Benton County.

(B) The Second District shall have ten (10) departments as follows:

(i) One (1) located in Springdale;

(ii) One (1) located in Elm Springs;

(iii) One (1) located in Johnson;

(iv) One (1) located in Fayetteville;

(v) One (1) located in Elkins;

(vi) One (1) located in West Fork;

(vii) One (1) located in Greenland;

(viii) One (1) located in Prairie Grove;

(ix) One (1) located in Lincoln; and

(x) One (1) located in Farmington.

(C) The Second District shall be served by four (4) state district court judges:

(i) One (1) judgeship shall be designated as Division 1;



- (ii) One (1) judgeship shall be designated as Division 2;
- (iii) One (1) judgeship shall be designated as Division 3; and
- (iv) One (1) judgeship shall be designated as Division 4.
- (D) The presiding judge of the departments under subdivision (2)(B) of this section shall be determined by the mutual agreement of the state district court judges of the Second District.
- (E) The Second District judges shall be elected districtwide.
- (F) The Second District court shall have districtwide jurisdiction;
- (3)(A) The Third District shall be composed of Carroll County and Madison County.
- (B) The Third District shall have four (4) departments as follows:
  - (i) One (1) located in Berryville;
  - (ii) One (1) located in Eureka Springs;
  - (iii) One (1) located in Huntsville; and
  - (iv) One (1) located in Green Forest.
- (C) The Third District shall be served by one (1) state district court judge.
- (D) The Third District judge shall be elected districtwide.
- (E) The Third District court shall have districtwide jurisdiction;
- (4)(A) The Fourth District shall be composed of Boone County, the City of Alpena in Carroll County, Newton County, and Searcy County.
- (B) The Fourth District has four (4) departments as follows:
  - (i) One (1) located in Alpena;
  - (ii) One (1) located in Harrison;
  - (iii) One (1) located in Marshall; and
  - (iv) One (1) located in Jasper.
- (C) The Fourth District is served by one (1) state district court judge.
- (D) The Fourth District judge is elected districtwide.
- (E) The Fourth District court has districtwide jurisdiction;
- (5)(A) The Fifth District shall be composed of Crawford County.
- (B) The Fifth District shall have five (5) departments as follows:
  - (i) One (1) located in Van Buren;
  - (ii) One (1) located in Mountainburg;
  - (iii) One (1) located in Alma;
  - (iv) One (1) located in Mulberry; and
  - (v) One (1) located in Dyer.
- (C) The Fifth District shall be served by one (1) state district court judge.
- (D) The Fifth District judge shall be elected districtwide.
- (E) The Fifth District court shall have districtwide jurisdiction;
- (6)(A) The Sixth District is composed of the Greenwood District of Sebastian County and the Fort Smith District of Sebastian County.
- (B) The Greenwood District of Sebastian County has one (1) district court with one (1) judge and three (3) departments as follows:
  - (i) One (1) located in Greenwood;
  - (ii) One (1) located in Barling; and
  - (iii) One (1) located in Central City.

(C)(i) The Fort Smith District of Sebastian County has one (1) district court with three (3) departments and one (1) judge for each department.

(ii) One (1) judgeship shall be designated Division 1.

(iii) One (1) judgeship shall be designated Division 2.

(iv) One (1) judgeship shall be designated Division 3.

(D) The assignment of judges to departments under subdivision (6)(C) of this section is determined by the mutual agreement of the state district court judges of the Sixth District.

(E) The judge of any district court in Sebastian County shall be elected by the electors of the judicial district in which the court is located.

(F) The jurisdiction of the district courts in Sebastian County shall be limited to the judicial district in which the court is located;

(7)(A) The Eighth District is composed of Pope County.

(B) The Eighth District has five (5) departments as follows:

(i) One (1) located in Russellville;

(ii) One (1) located in Atkins;

(iii) One (1) located in Dover;

(iv) One (1) located in London; and

(v) One (1) located in Pottsville.

(C) The Eighth District is served by one (1) state district court judge.

(D) The Eighth District judge is elected districtwide.

(E) The Eighth District court has districtwide jurisdiction;

(8)(A) The Ninth District shall be composed of Faulkner County and Van Buren County.

(B) The Ninth District shall have seven (7) departments as follows:

(i) One (1) located in Conway;

(ii) One (1) located in Greenbrier;

(iii) One (1) located in Guy;

(iv) One (1) located in Mayflower;

(v) One (1) located in Vilonia;

(vi) One (1) located in Clinton; and

(vii) One (1) located in Damascus.

(C) The Ninth District shall be served by two (2) state district court judges:

(i) One (1) judgeship shall be designated as Division 1; and

(ii) One (1) judgeship shall be designated as Division 2.

(D) The assignment of judges to departments under subdivision (8)(B) of this section shall be determined by the mutual agreement of the state district court judges of the Ninth District.

(E) The Ninth District judges shall be elected districtwide.

(F) The Ninth District court shall have districtwide jurisdiction;

(9)(A) The Tenth District is composed of Baxter County and Marion County.

(B) The Tenth District has ten (10) departments as follows:

(i) One (1) located in Briarcliff;



- (ii) One (1) located in Cotter;
  - (iii) One (1) located in Gassville;
  - (iv) One (1) located in Lakeview;
  - (v) One (1) located in Mountain Home;
  - (vi) One (1) located in Norfolk;
  - (vii) One (1) located in Salesville;
  - (viii) One (1) located in Yellville;
  - (ix) One (1) located in Bull Shoals; and
  - (x) One (1) located in Flippin.
- (C) The Tenth District is served by one (1) state district court judge.
- (D) The Tenth District judge is elected districtwide.
- (E) The Tenth District court has districtwide jurisdiction;
- (10)(A) The Thirteenth District is composed of Cleburne County.
- (B) The Thirteenth District has four (4) departments as follows:
- (i) One (1) located in Heber Springs;
  - (ii) One (1) located in Greers Ferry;
  - (iii) One (1) located in Concord; and
  - (iv) One (1) located in Quitman.
- (C) The Thirteenth District is served by one (1) state district court judge.
- (D) The Thirteenth District judge is elected districtwide.
- (E) The Thirteenth District court has districtwide jurisdiction.
- (F) Court costs in the Cleburne County District Court — Quitman Department shall be allocated as described in § 16-10-604(d)(1)(A);
- (11)(A) The Fourteenth District is composed of Independence County.
- (B) The Fourteenth District has one (1) department located in Batesville.
- (C) The Fourteenth District is served by one (1) state district court judge.
- (D) The Fourteenth District judge is elected districtwide.
- (E) The Fourteenth District court has districtwide jurisdiction;
- (12)(A) The Seventeenth District is composed of Greene County.
- (B) The Seventeenth District has two (2) departments as follows:
- (i) One (1) located in Paragould; and
  - (ii) One (1) located in Marmaduke.
- (C) The Seventeenth District is served by one (1) state district court judge.
- (D) The Seventeenth District judge is elected districtwide.
- (E) The Seventeenth District court has districtwide jurisdiction;
- (13)(A) The Eighteenth District shall be composed of the Chickasawba District and the Osceola District in Mississippi County.
- (B) The Eighteenth District has five (5) departments in the Chickasawba District as follows:
- (i) One (1) located in Blytheville;
  - (ii) One (1) located in Manila;

- (iii) One (1) located in Leachville;
- (iv) One (1) located in Gosnell; and
- (v) One (1) located in Dell.

(C) The Eighteenth District has one (1) department located in Osceola in the Osceola District.

(D) The Eighteenth District is served by two (2) state district court judges, with one (1) elected from the Chickasawba District and one (1) elected from the Osceola District.

(E) Each district court within the Eighteenth District only has jurisdiction within each of the district court's respective districts;

(14)(A) The Nineteenth District shall be composed of Craighead County.

(B) The Nineteenth District shall have two (2) departments as follows:

- (i) One (1) department located in Jonesboro; and
- (ii) One (1) department located in Lake City.

(C) The Nineteenth District shall be served by two (2) state district court judges:

- (i) One (1) judgeship shall be designated as Division 1; and
- (ii) One (1) judgeship shall be designated as Division 2.

(D) The assignment of judges to departments under subdivision (14)(B) of this section shall be determined by the mutual agreement of the state district court judges of the Nineteenth District.

(E) The Nineteenth District judges shall be elected districtwide.

(F) The Nineteenth District court shall have districtwide jurisdiction;

(15)(A) The Twentieth District is composed of Poinsett County.

(B) The Twentieth District has five (5) departments as follows:

- (i) One (1) located in Marked Tree;
- (ii) One (1) located in Trumann;
- (iii) One (1) located in Tyronza;
- (iv) One (1) located in Lepanto; and
- (v) One (1) located in Harrisburg.

(C) The Twentieth District is served by one (1) state district court judge.

(D) The Twentieth District judge is elected districtwide.

(E) The Twentieth District court has districtwide jurisdiction;

(16)(A) The Twenty-First District shall be composed of Crittenden County.

(B) The Twenty-First District shall have seven (7) departments as follows:

- (i) One (1) located in Earle;
- (ii) One (1) located in Gilmore;
- (iii) One (1) located in Jennette;
- (iv) One (1) located in Jericho;
- (v) One (1) located in Marion;
- (vi) One (1) located in Turrell; and
- (vii) One (1) located in West Memphis.



(C) The Twenty-First District shall be served by one (1) state district court judge.

(D) The Twenty-First District judge shall be elected districtwide.

(E) The Twenty-First District court shall have districtwide jurisdiction;

(17)(A) The Twenty-Second District shall be composed of Lee County and Phillips County.

(B) The Twenty-Second District shall have five (5) departments as follows:

(i) One (1) located in Marianna;

(ii) One (1) located in Helena-West Helena;

(iii) One (1) located in Lake View;

(iv) One (1) located in Elaine; and

(v) One (1) located in Marvell.

(C) The Twenty-Second District shall be served by one (1) state district court judge.

(D) The Twenty-Second District judge shall be elected districtwide.

(E) The Twenty-Second District court shall have districtwide jurisdiction;

(18)(A) The Twenty-Third District shall be composed of White County and Prairie County.

(B) The Twenty-Third District shall have thirteen (13) departments as follows:

(i) One (1) located in Beebe;

(ii) One (1) located in Searcy;

(iii) One (1) located in Bald Knob;

(iv) One (1) located in Bradford;

(v) One (1) located in Judsonia;

(vi) One (1) located in McRae;

(vii) One (1) located in Kensett;

(viii) One (1) located in Pangburn;

(ix) One (1) located in Rose Bud;

(x) One (1) located in Des Arc;

(xi) One (1) located in Hazen;

(xii) One (1) located in Biscoe; and

(xiii) One (1) located in De Valls Bluff.

(C) The Twenty-Third District shall be served by two (2) state district court judges:

(i) One (1) judgeship shall be designated as Division 1; and

(ii) One (1) judgeship shall be designated as Division 2.

(D) The assignment of judges to departments under subdivision (18)(B) of this section shall be determined by the mutual agreement of the state district court judges of the Twenty-Third District.

(E) The Twenty-Third District judges shall be elected districtwide.

(F) The Twenty-Third District court shall have districtwide jurisdiction;

(19)(A) The Twenty-Fifth District is composed of St. Francis County.

(B) The Twenty-Fifth District has three (3) departments as follows:

- (i) One (1) located in Forrest City;
- (ii) One (1) located in Madison; and
- (iii) One (1) located in Palestine.

(C) The Twenty-Fifth District is served by two (2) state district court judges.

(D) The Twenty-Fifth District judges are elected districtwide.

(E) The Twenty-Fifth District courts have districtwide jurisdiction;

(20)(A) The Twenty-Sixth District shall be composed of Ashley County.

(B) The Twenty-Sixth District shall have two (2) departments as follows:

- (i) One (1) located in Crossett; and
- (ii) One (1) located in Hamburg.

(C) The Twenty-Sixth District shall be served by one (1) state district court judge.

(D) The Twenty-Sixth District judge shall be elected districtwide.

(E) The Twenty-Sixth District court shall have districtwide jurisdiction;

(21)(A) The Twenty-Seventh District shall be composed of Desha County and Chicot County.

(B) The Twenty-Seventh District shall have five (5) departments as follows:

- (i) One (1) located in Dermott;
- (ii) One (1) located in Eudora;
- (iii) One (1) located in Lake Village;
- (iv) One (1) located in Dumas; and
- (v) One (1) located in McGehee.

(C) The Twenty-Seventh District shall be served by one (1) state district court judge.

(D) The Twenty-Seventh District judge shall be elected districtwide.

(E) The Twenty-Seventh District court shall have districtwide jurisdiction;

(22)(A) The Twenty-Eighth District shall be composed of Bradley County and Drew County.

(B) The Twenty-Eighth District shall have two (2) departments as follows:

- (i) One (1) located in Monticello; and
- (ii) One (1) located in Warren.

(C) The Twenty-Eighth District shall be served by one (1) state district court judge.

(D) The Twenty-Eighth District judge shall be elected districtwide.

(E) The Twenty-Eighth District court shall have districtwide jurisdiction;

(23)(A) The Twenty-Ninth District shall be composed of Jefferson County and Lincoln County.

(B) The Twenty-Ninth District shall have nine (9) departments as follows:



- (i) One (1) located in Pine Bluff;
- (ii) One (1) located in Altheimer;
- (iii) One (1) located in Humphrey;
- (iv) One (1) located in White Hall;
- (v) One (1) located in Wabbaseka;
- (vi) One (1) located in Redfield;
- (vii) One (1) located in Star City;
- (viii) One (1) located in Grady; and
- (ix) One (1) located in Gould.

(C) The Twenty-Ninth District shall be served by three (3) state district court judges:

- (i) One (1) judgeship shall be designated as Division 1;
- (ii) One (1) judgeship shall be designated as Division 2; and
- (iii) One (1) judgeship shall be designated as Division 3.

(D) The assignment of judges to departments under subdivision (23)(B) of this section shall be determined by the mutual agreement of the state's district court judges of the Twenty-Ninth District.

(E) The Twenty-Ninth District judge shall be elected districtwide.

(F) The Twenty-Ninth District court shall have districtwide jurisdiction;

(24)(A) The Thirty-First District is composed of Pulaski County.

(B) The Thirty-First District shall have eleven (11) departments that shall be served by eight (8) state district judges. All the following judges shall be elected districtwide and shall have districtwide territorial jurisdiction:

(i) The Jacksonville District Court and the Maumelle District Court shall be served by one (1) judge;

(ii) The Little Rock District Court — First Division shall be served by one (1) judge;

(iii) The Little Rock District Court — Second Division shall be served by one (1) judge;

(iv) The Little Rock District Court — Third Division, the Wrightsville District Court, and the Cammack Village District Court shall be served by one (1) judge;

(v) The North Little Rock District Court — First Division shall be served by one (1) judge;

(vi) The North Little Rock District Court — Second Division shall be served by one (1) judge;

(vii) The Pulaski County District Court shall be served by one (1) judge; and

(viii) The Sherwood District Court shall be served by one (1) judge.

(C)(i) Any judge serving as a local district judge in the Thirty-First District whose base annual salary is paid by a city and whose base annual salary is more than the annual salary paid to a state district judge, upon becoming a state district judge, shall continue to be paid by the city the differential amount between his or her annual salary as of December 31, 2016, and the annual salary established by the state for a state district judge.

(ii) The differential amount as calculated as of December 31, 2016, shall continue as long as the judge continues to serve as a state district judge.

(iii) Upon leaving office of state district court judge, by retirement or otherwise, his or her successor shall be paid only the salary established for a state district judge without regard to the differential amount provided for in this section;

(25)(A) The Thirty-Second District is composed of Saline County and the City of Alexander in Pulaski County.

(B) The Thirty-Second District has six (6) departments as follows:

- (i) One (1) located in Benton;
- (ii) One (1) located in Bryant;
- (iii) One (1) located in Alexander;
- (iv) One (1) located in Bauxite;
- (v) One (1) located in Haskell; and
- (vi) One (1) located in Shannon Hills.

(C)(i) The Thirty-Second District is served by two (2) state district court judges.

(ii) One (1) judgeship shall be designated as Division 1.

(iii) One (1) judgeship shall be designated as Division 2.

(D) The assignment of judges to departments under subdivision (25)(B) of this section is determined by the mutual agreement of the state district court judges in the Thirty-Second District.

(E) The Thirty-Second District judges are elected districtwide.

(F) The Thirty-Second District court has districtwide jurisdiction;

(26)(A) The Thirty-Third District shall be composed of Grant County and Hot Spring County.

(B) The Thirty-Third District shall have three (3) departments as follows:

- (i) One (1) located in Sheridan;
- (ii) One (1) located in Malvern; and
- (iii) One (1) located in Rockport.

(C) The Thirty-Third District shall be served by one (1) state district court judge.

(D) The Thirty-Third District judge shall be elected districtwide.

(E) The Thirty-Third District court shall have districtwide jurisdiction;

(27)(A) The Thirty-Fourth District shall be composed of Calhoun County, Cleveland County, and Dallas County.

(B) The Thirty-Fourth District shall have four (4) departments as follows:

- (i) One (1) located in Hampton;
- (ii) One (1) located in Rison;
- (iii) One (1) located in Fordyce; and
- (iv) One (1) located in Sparkman.

(C) The Thirty-Fourth District shall be served by one (1) state district court judge.

(D) The Thirty-Fourth District judge shall be elected districtwide.



(E) The Thirty-Fourth District court shall have districtwide jurisdiction;

(28)(A) The Thirty-Fifth District is composed of Union County.

(B) The Thirty-Fifth District has one (1) department located in El Dorado and one (1) state district court judge.

(C) The Thirty-Fifth District judge is elected districtwide.

(D) The Thirty-Fifth District court has districtwide jurisdiction;

(29)(A) The Thirty-Seventh District is composed of Miller County and Lafayette County.

(B) The Thirty-Seventh District has five (5) departments as follows:

(i) One (1) located in Lewisville;

(ii) One (1) located in Bradley;

(iii) One (1) located in Stamps; and

(iv) Two (2) located in Texarkana.

(C) The Thirty-Seventh District is served by one (1) state district court judge.

(D) The Thirty-Seventh District judge is elected districtwide.

(E) The Thirty-Seventh District court has districtwide jurisdiction;

(30)(A) The Thirty-Eighth District shall be composed of Hempstead County and Nevada County.

(B) The Thirty-Eighth District shall have two (2) departments as follows:

(i) One (1) located in Hope; and

(ii) One (1) located in Prescott.

(C) The Thirty-Eighth District shall be served by one (1) state district court judge.

(D) The Thirty-Eighth District judge shall be elected districtwide.

(E) The Thirty-Eighth District court shall have districtwide jurisdiction; and

(31)(A) The Fortieth District shall be composed of Clark County.

(B) The Fortieth District shall have four (4) departments as follows:

(i) One (1) located in Arkadelphia;

(ii) One (1) located in Amity;

(iii) One (1) located in Caddo Valley; and

(iv) One (1) located in Gurdon.

(C) The Fortieth District shall be served by one (1) state district court judge.

(D) The Fortieth District judge shall be elected districtwide.

(E) The Fortieth District court shall have districtwide jurisdiction.

**History.** Acts 2011, No. 1219, § 9; 2015, No. 1081, § 1; 2017, No. 723, § 3; 2019, No. 935, § 1; 2021, No. 87, § 1.

**A.C.R.C. Notes.** Minor corrections were made to the designations of the district courts in consultation with the Administrative Office of the Courts.

**Amendments.** The 2017 amendment rewrote the section.

The 2019 amendment substituted “served by two (2) state district court judges” for “served by one (1) state district court judge” in (19)(C); substituted “District judges are elected” for “District judge

is elected" in (19)(D); and substituted "District courts have districtwide" for "District court has districtwide" in (19)(E).

The 2021 amendment substituted "thirteen (13)" for "fourteen (14)" in the introductory language of (1)(B); deleted former

(1)(B)(vi) and redesignated the remaining subdivisions accordingly; and substituted "that extend" for "as of January 1, 2011, including that portion of the City of Springdale which extends" in (2)(A).

### CASE NOTES

#### Reorganization.

In a private probation company's 42 U.S.C. § 1983 action challenging two Craighead County district court judges' implementation of an amnesty program forgiving probation fees, the Craighead County district court judges became employees of the State before the events in the case and thus their actions could not be imputed to the county or city defendants. *Justice Network Inc. v. Craighead Cty.*, 931 F.3d 753 (8th Cir. 2019).

Due process violation arising from a district court judge's installment fee policy could be imputed to the city because the judge was an employee of the city since the Little Rock District Court had not yet been reorganized as a state district court at the times relevant to the case; the Little Rock District Court was not part of the state district court program at the time of the events alleged in the complaint. *City of Little Rock v. Nelson*, 2020 Ark. 34, 592 S.W.3d 633 (2020).

#### 16-17-1111, 16-17-1112. [Repealed.]

**A.C.R.C. Notes.** Section 16-17-1112 is set out as repealed by Acts 2017, No. 723, § 5. Section 16-17-1112(b)(2) was amended by Acts 2017, No. 172, § 1 to add an additional department to the Third District at Green Forest. This change to the Third District is also incorporated in Acts 2017, No. 723, § 3 at § 16-17-1110(3).

**Publisher's Notes.** These sections,

concerning reorganization of local district courts to state district courts as of January 1, 2013 and as of January 1, 2017, were repealed by Acts 2017, No. 723, §§ 4, 5. The sections were derived from the following sources:

16-17-1111. Acts 2011, No. 1219, § 10.

16-17-1112. Acts 2011, No. 1219, § 11; 2013, No. 1489, § 1; 2015, No. 1081, § 2; 2017, No. 172, § 1.

#### 16-17-1113. Reorganization of local district courts to state district courts as of January 1, 2021.

(a)(1) Beginning January 1, 2021, the following cities and counties that are currently served by local district courts pursuant to § 16-17-901 et seq. shall be reorganized as state district courts and served by state district court judges as assigned.

(2) The new state district court judgeships created by this section shall become effective January 1, 2021, and shall be placed on the ballot to be elected in the 2020 nonpartisan judicial election from the newly constructed state district court district.

(3) The cities and counties that were previously served by local district courts and will be served by state district courts shall comply with the cost-sharing requirements established in § 16-17-1106, effective January 1, 2021.

(b)(1) The Seventh Judicial District shall be composed of the counties of Franklin and Johnson.

(2) The Seventh District shall have six (6) departments as follows:

(A) One (1) located in Charleston;



- (B) One (1) located in Ozark;
- (C) One (1) located in Altus;
- (D) One (1) located in Clarksville;
- (E) One (1) located in Coal Hill; and
- (F) One (1) located in Lamar.

(3) The Seventh Judicial District shall be served by one (1) state district court judge.

(4) The Seventh Judicial District judge shall be elected districtwide.

(5) The Seventh Judicial District court shall have districtwide jurisdiction.

(c)(1) The Eleventh Judicial District shall be composed of the counties of Randolph, Sharp, and Lawrence.

(2) The Eleventh District shall have seven (7) departments as follows:

- (A) One (1) located in Pocahontas;
- (B) One (1) located in Ash Flat;
- (C) One (1) located in Cherokee Village;
- (D) One (1) located in Walnut Ridge;
- (E) One (1) located in Hoxie;
- (F) One (1) located in Black Rock; and
- (G) One (1) located in Portia.

(3) The Eleventh Judicial District shall be served by two (2) state district court judges.

(4) The Eleventh Judicial District judges shall be elected districtwide.

(5) The Eleventh Judicial District courts shall have districtwide jurisdiction.

(d)(1) The Twelfth Judicial District shall be composed of the counties of Logan, Yell, and Conway.

(2) The Twelfth District shall have nine (9) departments as follows:

- (A) One (1) located in Morrilton;
- (B) One (1) located in Menifee;
- (C) One (1) located in Oppelo;
- (D) One (1) located in Paris;
- (E) One (1) located in Booneville;
- (F) One (1) located in Magazine;
- (G) One (1) located in Danville;
- (H) One (1) located in Plumerville; and
- (I) One (1) located in Dardanelle.

(3) The Twelfth Judicial District shall be served by one (1) state district court judge.

(4) The Twelfth Judicial District judge shall be elected districtwide.

(5) The Twelfth Judicial District court shall have districtwide jurisdiction.

(e) [Repealed.]

(f) [Repealed.]

(g)(1) The Fifteenth Judicial District shall be composed of the counties of Jackson and Woodruff.

(2) The Fifteenth District shall have eight (8) departments as follows:

- (A) One (1) located in Newport;
- (B) One (1) located in Diaz;
- (C) One (1) located in Swifton;
- (D) One (1) located in Tuckerman;
- (E) One (1) located in Augusta;
- (F) One (1) located in Cotton Plant;
- (G) One (1) located in McCrory; and
- (H) One (1) located in Patterson.

(3) The Fifteenth Judicial District shall be served by one (1) state district court judge.

(4) The Fifteenth Judicial District judge shall be elected districtwide.

(5) The Fifteenth Judicial District court shall have districtwide jurisdiction.

(h) [Repealed.]

(i)(1) The Seventeenth District is composed of the counties of Clay and Greene.

(2) The Seventeenth District has five (5) departments as follows:

- (A) One (1) located in Paragould;
- (B) One (1) located in Marmaduke;
- (C) One (1) located in Corning;
- (D) One (1) located in Piggott; and
- (E) One (1) located in Rector.

(3) The Seventeenth District is served by one (1) state district court judge.

(4) The Seventeenth District judge is elected districtwide.

(5) The Seventeenth District court has districtwide jurisdiction.

(j)(1) The Twenty-Fourth Judicial District shall be composed of the counties of Scott, Polk, and Montgomery.

(2) The Twenty-Fourth Judicial District shall have three (3) departments as follows:

- (A) One (1) located in Waldron;
- (B) One (1) located in Mena; and
- (C) One (1) located in Mt. Ida.

(3) The Twenty-Fourth Judicial District shall be served by one (1) state district court judge.

(4) The Twenty-Fourth Judicial District judge shall be elected districtwide.

(5) The Twenty-Fourth Judicial District court shall have districtwide jurisdiction.

(k)(1) The Twenty-Fifth District is composed of the counties of St. Francis and Cross.

(2) The Twenty-Fifth District has six (6) departments as follows:

- (A) One (1) located in Forrest City;
- (B) One (1) located in Madison;
- (C) One (1) located in Palestine;
- (D) One (1) located in Wynne;



(E) One (1) located in Cherry Valley; and

(F) One (1) located in Parkin.

(3) The Twenty-Fifth District is served by two (2) state district court judges.

(4) The Twenty-Fifth District judges are elected districtwide.

(5) The Twenty-Fifth District courts have districtwide jurisdiction.

(1)(1) The Thirtieth District shall be composed of Lonoke County.

(2) The Thirtieth District shall have six (6) departments as follows:

(A) One (1) located in Cabot;

(B) One (1) located in Ward;

(C) One (1) located in Austin;

(D) One (1) located in Lonoke;

(E) One (1) located in England; and

(F) One (1) located in Carlisle.

(3) The Thirtieth District shall be served by two (2) state district court judges.

(4) The Thirtieth District court judges shall be elected districtwide.

(5) The Thirtieth District courts shall have districtwide jurisdiction.

(m)(1) The Thirty-First District is composed of the counties of Pulaski and Perry.

(2) The Thirty-First District has twelve (12) departments as follows:

(A) One (1) located in Jacksonville, to be known as "Jacksonville District Court";

(B) Four (4) located in Little Rock, to be known as:

(i) "Little Rock District Court — First Division";

(ii) "Little Rock District Court — Second Division";

(iii) "Little Rock District Court — Third Division"; and

(iv) "Pulaski County District Court";

(C) One (1) located in Maumelle, to be known as "Maumelle District Court";

(D) Two (2) located in North Little Rock, to be known as:

(i) "North Little Rock District Court — First Division"; and

(ii) "North Little Rock District Court — Second Division";

(E) One (1) located in Sherwood, to be known as "Sherwood District Court";

(F) One (1) located in Wrightsville, to be known as "Wrightsville District Court";

(G) One (1) located in Cammack Village, to be known as "Cammack Village District Court"; and

(H) One (1) located in Perryville, to be known as "Perryville District Court".

(3) The Thirty-First District shall be served by eight (8) state district judges. All the following judges shall be elected districtwide and shall have districtwide jurisdiction:

(A) The Jacksonville District Court and the Maumelle District Court shall be served by one (1) judge;

(B) The Little Rock District Court — First Division shall be served by one (1) judge;

(C) The Little Rock District Court — Second Division shall be served by one (1) judge;

(D) The Little Rock District Court — Third Division, the Wrightsville District Court, and the Cammack Village District Court shall be served by one (1) judge;

(E) The North Little Rock District Court — First Division shall be served by one (1) judge;

(F) The North Little Rock District Court — Second Division shall be served by one (1) judge;

(G) The Pulaski County District Court shall be served by one (1) judge;

(H) The Sherwood District Court shall be served by one (1) judge; and

(I) The Perryville District Court shall be served by one (1) of the district court judges listed under subdivisions (m)(3)(A)-(H) of this section.

(n)(1) The Thirty-Ninth Judicial District shall be composed of the counties of Ouachita and Columbia.

(2) The Thirty-Ninth Judicial District shall have seven (7) departments as follows:

(A) One (1) located in Magnolia;

(B) One (1) located in Waldo;

(C) One (1) located in Camden;

(D) One (1) located in East Camden;

(E) One (1) located in Bearden;

(F) One (1) located in Chidester; and

(G) One (1) located in Stephens.

(3) The Thirty-Ninth Judicial District shall be served by one (1) state district court judge.

(4) The Thirty-Ninth Judicial District judge shall be elected district-wide.

(5) The Thirty-Ninth Judicial District court shall have districtwide jurisdiction.

(o)(1) The Forty-First Judicial District shall be composed of Garland County.

(2) The Forty-First Judicial District shall have one (1) department located in Hot Springs.

(3)(A)(i) The Forty-First Judicial District shall be served by two (2) state district court judges.

(ii) One (1) judgeship shall be designated as Division 1 and one (1) judgeship shall be designated as Division 2.

(B) The assignment of judges to divisions under subdivision (o)(3)(A)(ii) of this section shall be determined by mutual agreement of the state district court judges of the Forty-First Judicial District.

(4) The Forty-First Judicial District judges shall be elected district-wide.

(5) The Forty-First Judicial District courts shall have districtwide jurisdiction.



**History.** Acts 2015, No. 1081, § 3; 2019, No. 814, § 1; 2019, No. 868, §§ 1, 2; 2019, No. 909, § 1; 2019, No. 935, § 2; 2021, No. 825, § 2.

**Amendments.** The 2019 amendment by No. 814 substituted “two (2) state district court judges” for “one (1) state district court judge” in (l)(3); substituted “court judges” for “judge” in (l)(4); and substituted “courts” for “court” in (l)(5).

The 2019 amendment by No. 868 repealed (e) and (h).

The 2019 amendment by No. 909 repealed (f).

The 2019 amendment by No. 935 substituted “two (2) state district court judges” for “one (1) state district court judge” in (k)(3); substituted “judges are elected” for “judge is elected” in (k)(4); and substituted “courts have” for “court has” in (k)(5).

The 2021 amendment rewrote (o)(2); and added (o)(3)(A)(ii) and (o)(3)(B) and redesignated former (o)(3) as (o)(3)(A)(i).

### **16-17-1114. Reorganization of local district courts to state district courts as of January 1, 2025.**

(a)(1) Beginning January 1, 2025, the following cities and counties that are currently served by local district courts under § 16-17-901 et seq. shall be reorganized as state district courts and served by state district court judges as assigned.

(2) The new state district court judgeships created by this section shall become effective January 1, 2025, and shall be placed on the ballot to be elected in the 2024 nonpartisan judicial election from the newly constructed state district court district.

(3) The cities and counties that were previously served by local district courts and will be served by state district courts shall comply with the cost-sharing requirements established in § 16-17-1106, effective January 1, 2025.

(b)(1) The Thirty-Sixth Judicial District shall be composed of the counties of Little River, Sevier, Pike, and Howard.

(2) The Thirty-Sixth Judicial District shall have seven (7) departments as follows:

- (A) One (1) located in Ashdown;
- (B) One (1) located in Foreman;
- (C) One (1) located in Winthrop;
- (D) One (1) located in De Queen;
- (E) One (1) located in Nashville;
- (F) One (1) located in Murfreesboro; and
- (G) One (1) located in Glenwood.

(3) The Thirty-Sixth Judicial District shall be served by two (2) state district court judges.

(4) The Thirty-Sixth Judicial District judges shall be elected districtwide.

(5) The Thirty-Sixth Judicial District court shall have districtwide jurisdiction.

**History.** Acts 2015, No. 1081, § 4; 2019, No. 817, § 1.

**Amendments.** The 2019 amendment substituted “2025” for “2029” in the section heading and throughout (a); substi-

tuted “2024” for “2028” in (a)(2); inserted “Pike” in (b)(1); substituted “seven (7)” for “five (5)” in the introductory language of (b)(2); added (b)(2)(F) and (G); substituted “two (2) state district court judges” for

“one (1) state district court judge” in (b)(3); substituted “judges” for “judge” in (b)(4); deleted (c); and a made stylistic change.

**16-17-1115. Reorganization of local district courts to state district courts as of January 1, 2025.**

(a)(1) Beginning January 1, 2025, the following cities and counties, currently being served by a local district court under § 16-17-901 et seq. shall be reorganized as a state district court district and served by state district court judges as assigned.

(2) The new state district court judgeship created by this section shall become effective January 1, 2025, and shall be placed on the ballot to be elected in the 2024 nonpartisan judicial election from the newly constructed state district court district.

(3) The cities and counties that were previously served by local district courts and will be served by state district courts shall comply with the cost-sharing requirements established in § 16-17-1106, effective January 1, 2025.

(b)(1) The Thirteenth District is composed of the counties of Stone and Cleburne.

(2) The Thirteenth District has five (5) departments as follows:

- (A) One (1) located in Heber Springs;
- (B) One (1) located in Greers Ferry;
- (C) One (1) located in Concord;
- (D) One (1) located in Quitman; and
- (E) One (1) located in Mountain View.

(3) The Thirteenth District is served by one (1) state district court judge.

(4) The Thirteenth District judge is elected districtwide.

(5) The Thirteenth District court has districtwide jurisdiction.

(c)(1) The Sixteenth Judicial District shall be composed of the counties of Monroe and Arkansas.

(2) The Sixteenth District shall have seven (7) departments as follows:

- (A) One (1) located in Stuttgart;
- (B) One (1) located in De Witt;
- (C) One (1) located in Gillett;
- (D) One (1) located in St. Charles;
- (E) One (1) located in Brinkley;
- (F) One (1) located in Clarendon; and
- (G) One (1) located in Holly Grove.

(3) The Sixteenth Judicial District shall be served by one (1) state district court judge.

(4) The Sixteenth Judicial District judge shall be elected districtwide.

(5) The Sixteenth Judicial District court shall have districtwide jurisdiction.



**History.** Acts 2019, No. 868, § 3.

**16-17-1116. Reorganization of local district courts to state district courts as of January 1, 2025.**

(a)(1) Beginning January 1, 2025, the following cities and counties under this section that are currently being served by a local district court under § 16-17-901 et seq. shall be reorganized as a state district court and served by state district court judges as assigned.

(2) The new state district court judgeship created by this section shall become effective January 1, 2025, and shall be placed on the ballot to be elected in the 2024 nonpartisan judicial election from the newly constructed state district court district.

(3) The cities and counties that were previously served by local district courts and will be served by state district courts shall comply with the cost-sharing requirements established in § 16-17-1106, effective January 1, 2025.

(b)(1) The Fourteenth District is composed of the counties of Independence, Fulton, and Izard.

(2) The Fourteenth District has six (6) departments as follows:

(A) One (1) located in Batesville;

(B) One (1) located in Melbourne;

(C) One (1) located in Calico Rock;

(D) One (1) located in Horseshoe Bend;

(E) One (1) located in Salem; and

(F) One (1) located in Mammoth Spring.

(3) The Fourteenth District is served by one (1) state district court judge.

(4) The Fourteenth District judge is elected districtwide.

(5) The Fourteenth District court has districtwide jurisdiction.

**History.** Acts 2019, No. 909, § 2.

**SUBCHAPTER 12 — CITY COURT CONSOLIDATION**

**SECTION.**

16-17-1202. Consolidation of city courts with district courts.

**SECTION.**

16-17-1203. Procedure for expense cost sharing.

**Effective Dates.** Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and depart-

ments of that court, codified as § 16-17-954 is effective July 1, 2009.”

### **16-17-1202. Consolidation of city courts with district courts.**

(a) As used in this subchapter, “district court” shall include a department of a district court.

(b)(1) Effective January 1, 2012, all city courts shall be consolidated with district courts and continue to exist as departments of district courts unless a city court is abolished by town or city ordinance pursuant to this subchapter.

(2) A city court formerly known as the “\_\_\_\_\_ City Court” shall be redesignated as the “\_\_\_\_\_ District Court, \_\_\_\_\_ Department”.

(c)(1) A district court that has a department or departments shall maintain a docket in each department and set court dates for hearing the docket in the town or city in which the department is located, as required by the Arkansas District Courts Accounting Law, § 16-10-201 et seq.

(2) By common agreement, a district court and the town or city where the department of the district court is located may provide locations and dates for hearing the docket.

(d)(1)(A) A town or city that prior to January 1, 2012, operated a city court that becomes a department of a district court may by ordinance of the town or city in which the department is located abolish the department of district court.

(B) A copy of the ordinance abolishing the department of a district court shall be sent to the Administrative Office of the Courts.

(2)(A) On and after the effective date of the ordinance abolishing the department of a district court, the nearest district court in the county shall be regarded as a continuation of the department of district court that was abolished.

(B) All papers and records pertaining to a department of a district court abolished by ordinance shall be transferred to the appropriate district court, and no suit or prosecution of any kind or nature shall abate because of any change made by this subchapter.

(C) Except as modified in accordance with this subchapter, any of the following existing on the effective date of the ordinance abolishing the department of a district court shall continue unaffected:

- (i) A writ;
- (ii) An action;
- (iii) A suit;
- (iv) A proceeding;
- (v) Civil liability;
- (vi) Criminal liability;
- (vii) A prosecution;
- (viii) A judgment;



- (ix) A decree;
- (x) An order;
- (xi) A sentence;
- (xii) A regulation;
- (xiii) A cause of action; and
- (xiv) An appeal.

(e) No town or city shall have the authority to reinstate a department of district court abolished by ordinance.

**History.** Acts 2007, No. 663, § 16; 2011, No. 1218, § 10.

### **16-17-1203. Procedure for expense cost sharing.**

(a)(1)(A) Any town or city that has a police department but does not have a district court may contribute to the operational expenses of the nearest district court in the county where the town or city is located pursuant to a written agreement.

(B) A written agreement is mandatory and is to be entered into between the governing body of the town or city and the governing bodies of the political subdivisions that contribute to the operational expenses of the district court.

(2)(A) The contribution to the operational expenses of a district court described in subdivision (a)(1) of this section shall be a prorated amount based on the number of cases filed in the district court from each of the towns and cities and the county during the preceding calendar year.

(B) The prorated amount of operational expenses shall apply to all fines, fees, and costs not obligated under law that are collected pursuant to § 16-13-701 et seq. in all:

(i) Nontraffic cases that are misdemeanors or violations of a town or city ordinance;

(ii) Cases that are misdemeanors or violations under state law; and

(iii) Traffic offenses that are misdemeanors or violations under state law or town or city ordinance committed within the corporate limits of a town or city that is a party to an agreement described in subdivision (a)(1) of this section.

(b) Apportionment of the costs of a district court shall be by order of the district court upon certification of the cases filed by the clerk of the district court.

(c) On and after the effective date of the agreement described in subdivision (a)(1) of this section, all fines, fees, penalties, and costs received by a town or city that is a party to the agreement shall be collected and distributed in the manner provided by laws affecting district courts.

**History.** Acts 2007, No. 663, § 16; 2009, No. 411, § 3.

**Publisher's Notes.** This section is being set out to reflect an amendment by Acts 2009, No. 411, § 3 which was omitted from the 2010 bound volume.

**Amendments.** The 2009 amendment divided former (a)(1) into (a)(1)(A) and (B); and added "A written agreement is mandatory and is to be" to the beginning of (a)(1)(B).







































































